



Community Planning & Permitting

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BOULDER COUNTY PLANNING COMMISSION PUBLIC HEARING

November 16, 2022 at 3:00 p.m.

*Boulder County Courthouse, 3rd Floor,
1325 Pearl Street, Boulder
Virtual and in-person*

STAFF RECOMMENDATION

STAFF PLANNER: Pete L'Orange, Planner II

Docket SU-22-0008: Alps Inn Special Use Modification

Proposal: Special Use/Site Specific Development Plan review requesting to modify a previous SU/SSDP approval (SU-90-0004) for a Lodging use to convert the existing structure to a Group Care Home.

Location: 38619 Boulder Canyon Road, parcel no. 146134000022, located approximately 0.3 miles west of the intersection of Boulder Canyon Drive and Fourmile Canyon Drive, Section 34, T1N, R71W.

Zoning: Forestry (F) Zoning District

Owner: Vanderhart Real Estate, LLC.

Applicants: John R. Vanderhart; Vanderhart Real Estate, LLC
Michael Hunter; Sandstone Care Colorado, LLC

Agent: Harmon Zuckerman; Frasca, Joiner, Goodman and Greenstein P.C.

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SUMMARY

The applicants requested Special Review and Site-Specific Development Plan review to amend an existing Special Use approval (SU-90-0004) for a Resort Lodge/Bed and Breakfast to convert the existing structure to a Group Care Home. The applicants requested that Boulder County Community

Planning and Permitting determine this change to be considered a Minor Modification per Article 4-603 of the Boulder County Land Use Code (“the Code”).

In determining whether the proposed modification was minor or substantial, in accordance with Article 4-603.B of the Code, staff considered the record of the special use approval, including any express conditions, limitations, or agreements governing the approved special use and the nature, character, and extent of the land use impacts of the approved use, and found that the expressed conditions, limitations, and agreements of the previous approval (SU-90-0004) were not consistent or applicable to the proposed use a Group Care Home. Additionally, Article 4-603.B calls out specific modifications which are presumed to be substantial, and changes in the use expressly approved are presumed to be substantial. As such, it was determined that the proposed change from a Resort Lodge/Bed and Breakfast to a Group Care Home was substantial in nature, and required a full Special Use Permit Review as required for a Group Care Home use in the Forestry zoning district.

With the recommended conditions, staff finds the proposed use of the property for a Group Care Home can meet the Special Review Criteria in Article 4-601 of the Code and recommends the Planning Commission recommend conditional approval to the Board of County Commissioners.

DISCUSSION

The subject property, commonly known as the Alps Boulder Canyon Inn, is located on Boulder Canyon Drive (Colorado state highway 119), approximately 2.5 miles up the canyon from the western edge of the City of Boulder. The subject parcel is approximately 12.4 acres in size, with approximately 7 acres located on the west side of Boulder Canyon Drive and the remainder located east of Boulder Canyon Drive and the Boulder Creek. All of the existing development on the parcel is located on the western portion of the property.

The existing structure has operated as a lodge under one name or another since circa 1907, originally as the Hadley Cottages and then later as the Alps Lodge and then the Moose Lodge, and currently the Alps Boulder Canyon Inn. It was approved by the Board of County Commissioners as a Resort Lodge/Bed and Breakfast in 1990. At that time, it was approved to operate a 12-room bed and breakfast. The overnight occupancy of the Inn was limited by SU-90-0004 to 24 people, in 12 guestrooms, plus one (1) additional owner/employee occupied residence. As part of the same approval, construction of an on-site sewage treatment facility was permitted.

The applicants have now requested approval to use the existing structure and facilities as a Group Care Home for adolescents experiencing mild to moderate mental health symptoms. Occupancy of the structure would remain at 24 individuals, using the existing 12 bedrooms. Full time, on-site staff would be provided to monitor the resident adolescents and to provide them treatment. These employees would work 12-hour shifts (7:00 AM to 7:00 PM, and 7:00 PM to 7:00 AM, respectively). The staffing levels would be designed to allow for full time monitoring of the residents, and residents would be accompanied by staff as they move throughout the facility. Residents would not have use of any of the front entrances, and any outdoor activities would take place to the rear of the property, away from Boulder Canyon Drive. The cooking facilities would provide meals to residents; the property would not be open to the public.

The applicants submitted a traffic analysis report, comparing the traffic impacts of the current approved use as a bed and breakfast with the proposed use as a Group Care Home. The analysis in this report found that the existing lodging use would generate an Average Daily Trip (ADT) count of 40 vehicles per day; whereas the proposed use would result in an ADT of 27. Additionally, the number of vehicles per hour during morning and evening peak hours would be significantly reduced. The Boulder County Access and Engineering Team reviewed the submitted traffic report and concur with the findings in the report.

The subject property has the following designations as determined by the Boulder County Comprehensive Plan (see Figure 1 below): High Biodiversity Areas – Boulder Foothills and Betasso, ranked B2 and B3, Respectively; Natural Area Buffer – Boulder Mountain Park, on eastern portion only; Riparian Area and Riparian Habitat Connector; Prebles Meadow Jumping Mouse Habitat – foothills perennial stream; Archeologically Sensitive Area and Travel Route; and View Protection Corridor – associated with Boulder Canyon Drive/SH 119. Additionally, the eastern portion of the parcel is located within the Boulder Mountain Park Natural Landmark/Natural Area and its associated buffer; however, there is no current or proposed development on the eastern portion of the parcel and the Natural Landmark/Natural Area is not impacted by the current or proposed use.

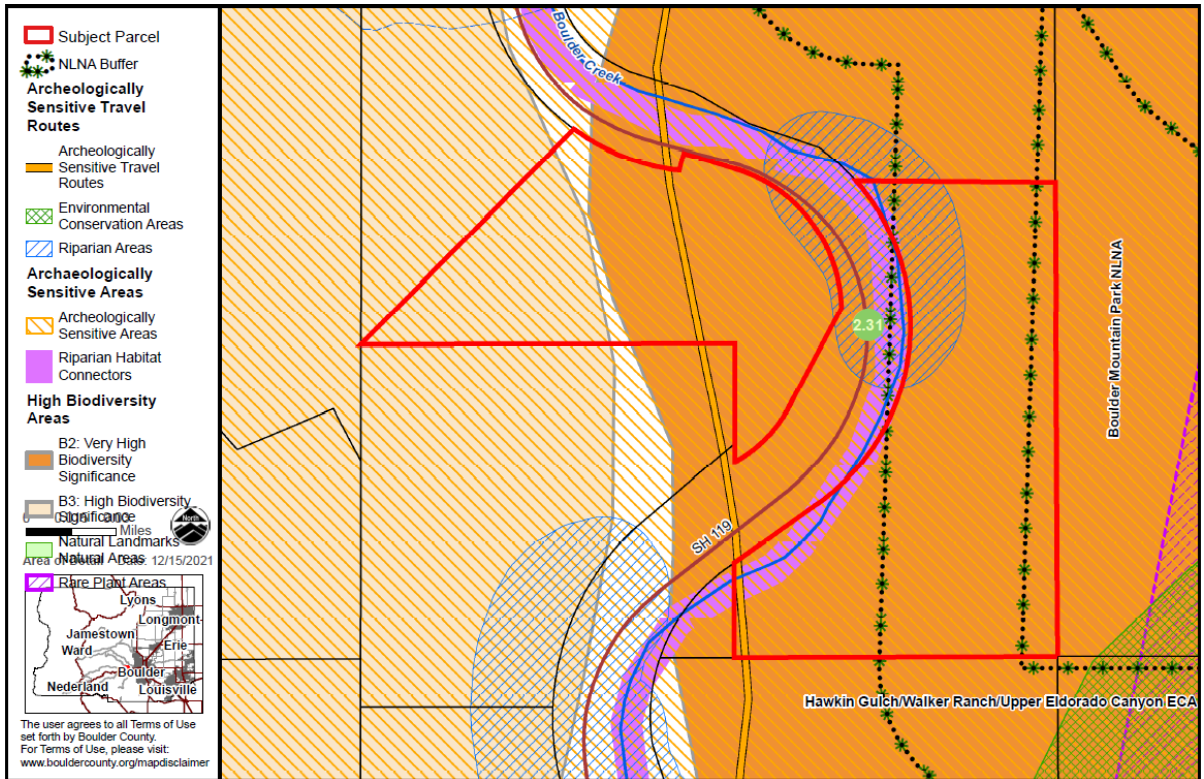


Figure 1: Identified designations determined by the Comprehensive Plan.

While there are a number of identified designations, there is no new development proposed as part of this application and the change of use is not expected to have any negative impacts on the identified resources.

Portions of the parcel are located within the Floodplain (see Figure 2 below); however, there is no development proposed as part of this application. Any future development which might be located within the Floodplain would be required to obtain the appropriate Floodplain Development Permit(s).

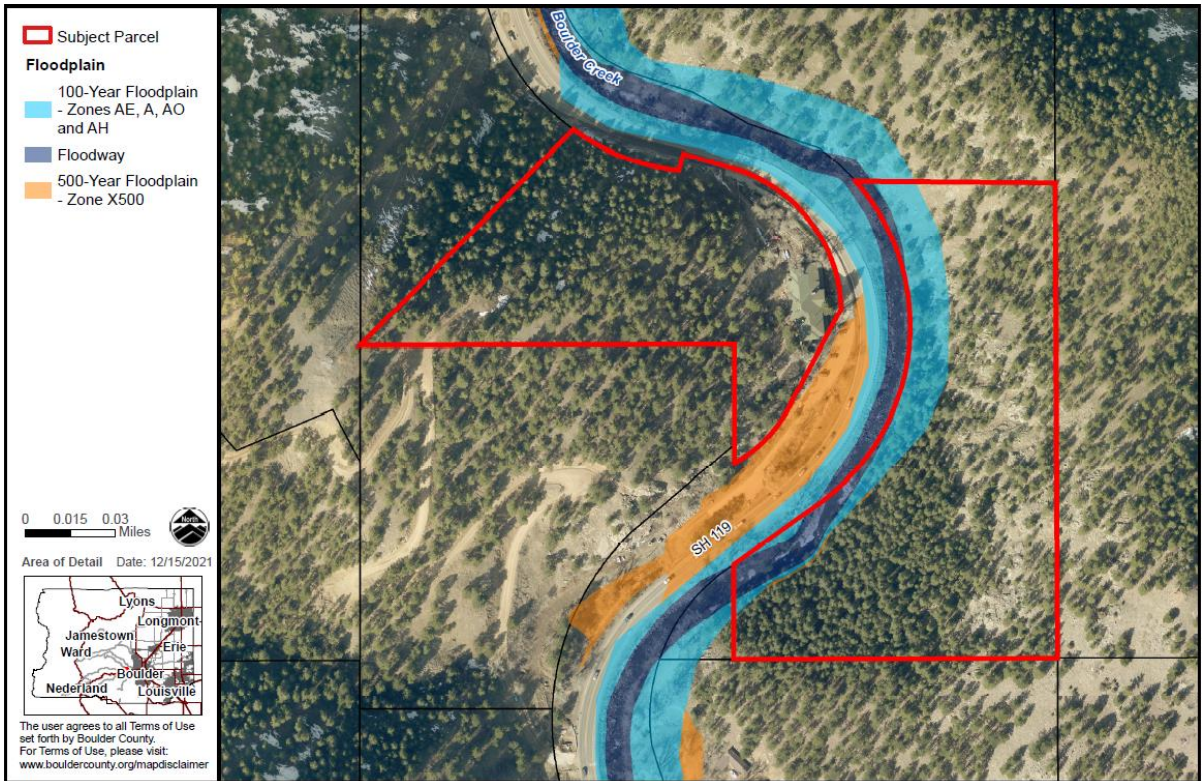


Figure 2: Floodplain map

As detailed in the criteria review below, staff finds that the proposed use as a Group Care Home can meet the Special Review Criteria in Article 4-601 of the Code, with the recommended conditions of approval.

REFERRALS

This application was referred to the typical agencies, departments, and adjacent property owners.

Boulder County Development Review Team – Access & Engineering: This team reviewed the proposal and responded that legal access to the subject property had been demonstrated via Boulder Canyon Drive (State Highway 119), a Colorado Department of Transportation (CDOT) owned and maintained right-of-way (ROW). They concurred with the traffic impact report provided in the application materials. Staff noted that revised grading and parking plans, showing handicap accessible parking and any necessary grading related to that, will need to be submitted. Additionally, bicycle parking will need to be provided on site.

Boulder County Public Health Department – Child Health Promotion: This department reviewed the proposal and responded that if the facility is required to be licensed by the Colorado Department of Human Services, a Boulder County Child Care Plan will be required.

Boulder County Building Safety & Inspection Services Team: This team reviewed the proposal and noted that a Certificate of Occupancy will be required, including associated plan reviews and inspections. The facility will also be required to demonstrate that it meets or exceeds the minimum number of plumbing fixtures and handicap accessibility requirements. As this would be considered a change in occupancy, a design analysis will need to be prepared by a Colorado-licensed architect and submitted for review and approval by County Staff.

Boulder County Parks & Open Space – Natural Resource Planner: The Natural Resource Planner reviewed the application materials and determined the subject property has the following designations

as determined in the Boulder County Comprehensive Plan: View Protection Corridor – associated with Boulder Canyon Drive/SH 119; High Biodiversity Areas – Boulder Foothills and Betasso, ranked B2 and B3, respectively; Natural Area Buffer – Boulder Mountain Park, on eastern portion only; Riparian Area; Riparian Habitat Connector; Prebles Meadow Jumping Mouse Habitat – foothills perennial stream; Adjacent to Public Lands – OSMP and POS, on east and north, respectively; Floodplain; Archeologically Sensitive Area and Travel Route. In general, the Natural Resource Planner found that there would be not be any significant impact to any of the identified natural resource designations.

The Natural Resource Planner did note that Japanese knotweed, a List A noxious weed, is present on site. As a List A noxious weed, County regulations require that it be eradicated, and staff recommends that as a condition of approval.

The Natural Resource Planner noted some other items which they recommend as conditions of approval. These include moving the existing basketball hoop away from Boulder Canyon Drive and installing bear-proof trash receptacles.

Boulder County Floodplain Program: This team reviewed the submitted application materials and noted that a portion of the parcel is located within the Floodplain Overlay district. As no new development is proposed in the floodplain as part of this application, the Floodplain Program did not have any concerns with the change in use. They did note that should future development be proposed in the floodplain, that development would require a Floodplain Development Permit.

Boulder County Wildfire Team: This team reviewed the submitted application materials and noted that wildfire mitigation will be required as the property is located in Wildfire Zone 1. The applicants will need to obtain a Wildfire Partners certificate for mitigation. The applicant will also need approval from the Four Mile Fire Protection District for an emergency water supply.

Colorado Department of Public Health & Environment – Water Quality Control Division: This agency reviewed the submitted application materials. The agency determined that if the facility is likely to generate more than 2,000 gallons a day of wastewater, revisions and expansion to the existing sewage treatment system may be necessary. The agency encourages the applicant to investigate further to determine if system upgrades will be necessary.

Four Mile Fire Protection District: The fire protection district reviewed the application materials and indicated that they have no concerns about the change in use. They noted that any change in use or ownership will require a full interior and exterior inspection by the fire protection district.

Xcel Energy: This agency reviewed the application materials and indicated they do not have any concerns with the change of use. But the agency noted it owns and operates existing overhead electric distribution facilities within the subject property and crossing Boulder Canyon Drive. The applicants must complete the Xcel application process for any new electric service, or modification to existing facilities.

Adjacent Property Owners: Notices were sent to all property owners within a 1,500-foot radius of the subject property. Staff received responses from two (2) members of the public. Both of the received comments expressed concerns regarding having a group care home for adolescents with mental health issues in the area.

Agencies that responded with no conflict: Boulder County Historic Preservation team; United State Fish and Wildlife; City of Boulder Open Space and Mountain Parks.

Agencies that did not submit a response: Boulder County Long Range Planning; City of Boulder Planning and Development Services; Boulder Valley and Longmont Conservation District; Colorado Office of Early Childhood; and History Colorado.

SPECIAL REVIEW CRITERIA

The Community Planning & Permitting staff has reviewed the proposal to convert the existing resort lodge/bed and breakfast to a group care home pursuant to the Special Use Review standards in Article 4-601 of the Code, and finds the following:

- (1) ***Complies with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;***

A Group Care Home use is allowed in the Forestry Zoning District through the Special Use Review process. The existing structure meets the zoning and setback requirements for the Forestry Zoning District.

In addition to the minimum zoning requirements, Article 4-511 of the Code sets out the requirements and provisions specific to the use as a Group Care Home. This Article states that the parking requirements for the use shall be determined through the Special Use Review process. In considering the property as existing, staff has determined that most of the parking requirements have been met, with the exception of accessible parking as required by the Americans with Disabilities Act (ADA). The ADA requires facilities with parking for 1 to 25 vehicles have one (1) van-accessible parking spot; facilities with parking for 26 to 50 vehicles have one (1) van-accessible spot and one (1) standard accessible spot. Currently the property does not have any designated handicap-accessible parking spots. Based on an email correspondence with the applicant's representative (dated October 21, 2022), the applicants will use an area on the eastern half of the north end of the structure to install handicap-accessible parking. This area is unpaved and accessed via the unpaved, northern access drive off of Boulder Canyon Drive. Staff recommends that, as a condition of approval, the applicant be required to submit a revised parking plan for review and approval that shows delineated parking spaces, compliant with ADA parking requirements and the Boulder County Multimodal Transportation Standards.

Article 5-111 of the Code also requires that a Group Care Home acquire and maintain all applicable local, state, and federal permits. Staff recommends that this requirement be included as a condition of any approval.

Therefore, as conditioned, staff finds this criterion can be met.

- (2) ***Will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;***

Most of the parcels in the area surrounding the subject parcel are undeveloped, and many of

them are designated open space, either as Boulder County open space or City of Boulder Open Space and Mountain Parks land. Just south of the subject property, on the east side of Boulder Canyon Drive is a public events center (the former Red Lion property). To the northeast of the subject property is the Canyonside subdivision (and its subsequent replats), with a total of 15 parcels. Ten of those lots are developed as residential properties. Per the Code, a Group Care Home is a residential use. As such, it can be found to be compatible with the surrounding area.

There are no significant exterior modifications proposed to the existing structure and site. The development of the ADA accessible parking area and any necessary construction of an ADA accessible ramp from that parking area are both very minor changes to the existing structure. As such, staff finds there will be no negative visual impacts that would result from the change in use.

Staff also finds that the proposed Group Care Home will likely be a less intensive use than the existing use as a Resort Lodge/Bed and Breakfast. This determination is based on the decreased vehicular traffic levels that would result from this change in use. Based on the traffic report submitted by the applicants, and as discussed above, there would be fewer average daily trips for the Group Care Home, and the majority of those trips would occur outside of the morning and even peak travel times.

Therefore, staff finds this criterion is met.

(3) *Will be in accordance with the Boulder County Comprehensive Plan;*

There are several policies and goals in the Boulder County Comprehensive Plan which have been considered and evaluated in considering this criterion.

Element I: Agricultural Element

This section of the Comprehensive Plan outlines goals and policies to protect and preserve agricultural resources within Boulder County. As part of these efforts, the Comprehensive Plan calls for the County to take measures to address noxious plants and weeds within the County. Specifically, Policies AG 3.01, 3.02, and 3.03 all speak to the County working to control and eliminate noxious and invasive plant species. As noted by the Parks and Open Space Natural Resource Planner, Japanese knotweed, a noxious weed, is present on the subject parcel. As such, staff recommends that any approval include a condition that all Japanese knotweed on the subject parcel be eradicated, and the site be monitored to ensure it does not return.

Additionally, Policy AG 3.03 states that the County shall encourage best practices related to weed and pest management. As the proposed Group Care Home will be providing food to the residents, and as local wildlife, especially bears, are known to scavenge from trash receptacles, staff recommends that, as a condition of approval, the applicants be required to install bear-proof garbage receptacles and that these be installed prior to operation of the facility.

Element VIII: Housing Element

This section of the Comprehensive Plan addresses goals and policies related to housing and housing needs in Boulder County. Policy HO 1.05, "Fair Housing and Equal Opportunity Laws," states that it will be a policy of Boulder County to encourage and support housing for all residential populations in the county and will adhere to all applicable fair housing laws and ordinances. The proposed Group Care Home would help to provide housing for a specific population in the county.

Element XI: Public Health

This section of the Comprehensive Plan addressed goals and policies related to ensure that “that Boulder County is a socially just, inclusive community where physical and mental health, social well-being, and the environment are valued, supported, and accessible to all.” There are two policies which are especially relevant to this application. Policy PH 1.07, “Mental Health Resources and Safe Places,” states that the County will support programs and policies to address the shortage of mental health resources in schools, enhance suicide prevention, and create safe spaces for young people, free of discrimination based on race, ethnicity, sexual orientation and religion. Furthermore, Policy PH 1.09, “Affordable Health and Mental Health Care,” states that the County should encourage efforts to increase access to and enrollment in affordable health and mental healthcare. As stated in narrative submitted by the applicants, there is a need in the county for more mental health care support for adolescents who do not need more intensive hospitalization. The proposed change in use would help provide this care in Boulder County.

Additionally, the recommended conditions in Criterion 1 above related to ADA accessibility will help ensure that the housing and mental health services provided are accessible to those with physical limitations.

Therefore, as conditioned in this criterion and Criterion 1 above, staff finds this criterion can be met.

- (4) ***Will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or arrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management.***

The proposed change in use does not involve any depletion of natural resources.

As discussed above, the proposed change in use would be a less intensive use than the existing use as a Resort Lodge/Bed and Breakfast.

Therefore, staff finds this criterion is met.

- (5) ***Will not have a material adverse effect on community capital improvement programs;***

There is no indication the proposal will have an adverse effect on community capital improvement programs, and no referral agency has responded with such a concern.

Therefore, staff finds this criterion is met.

- (6) ***Will not require a level of community facilities and services greater than that which is available;***

Staff does not anticipate the proposal will have an adverse effect on community facilities and services, and no agencies submitted a response voicing any concerns about community facilities or services.

Therefore, staff finds this criterion is met.

(7) ***Will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;***

The property is accessed via Boulder Canyon Drive, also known as State Highway 119, a Colorado State owned and maintain public right-of-way (ROW). Legal access has been demonstrated via adjacency to this public ROW.

The existing parking for the property is accessed via a shared vehicle/pedestrian/bicycle path, designed and constructed by the Colorado Department of Transportation (CDOT). Vehicles enter at the northern end of the parcel and proceed south along the path until the parking area for the property splits off from the path. The parking area exits the property back on to Boulder Canyon Drive at the south end of the property (see Figure 3 below). The Boulder County Community Planning and Permitting Access and Engineering team has stated that a copy of Colorado Department of Transportation (CDOT) access permit (or other documentation of access permission) for the exit access must be included with the building permit application. Staff recommends that this be included as a condition of approval.

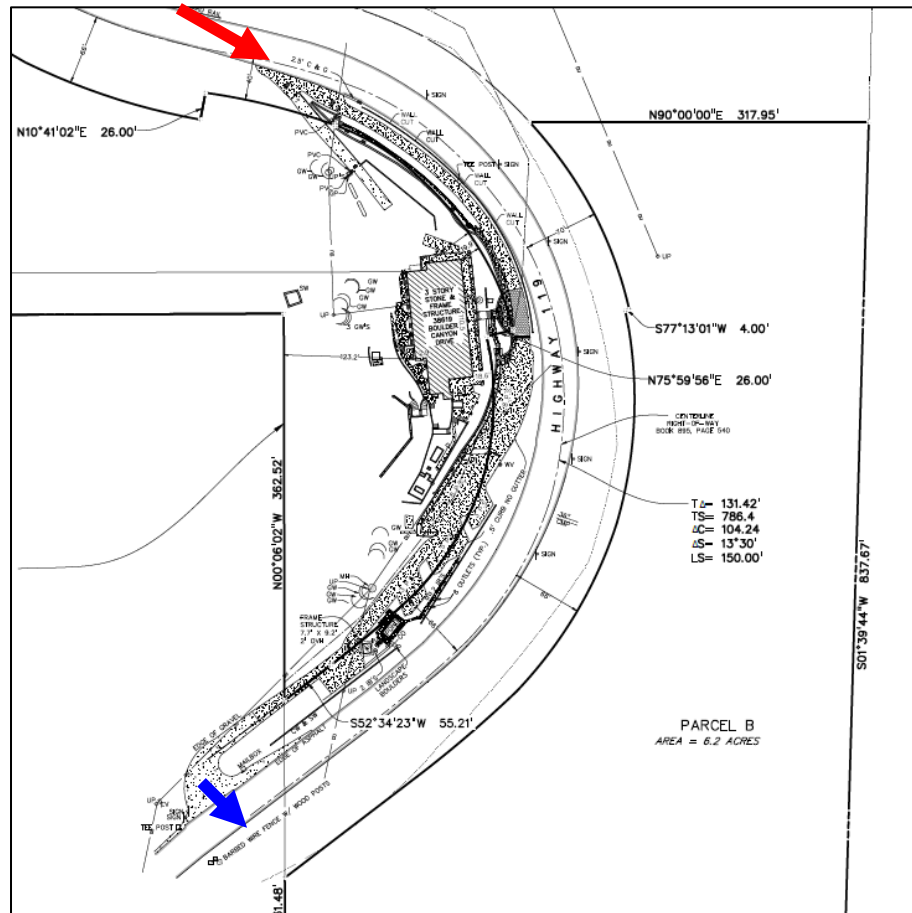


Figure 3. Vehicular access to the property. Entrance to property is indicated with the red arrow, and the exit from the property indicated with the blue arrow.

Boulder County Community Planning and Permitting Access and Engineering team reviewed the application material and concurs with the trip generation estimates provided in the application materials (see Attachment A).

As discussed above, the property will be required to provide ADA accessible parking which meets the ADA requirements and the Boulder County Multimodal Transportation Standards.

Additionally, per Article 5.6.5 of the Multimodal Standards, bicycle parking must be provided onsite. Specifically, there shall be accommodations for one (1) bicycle parking space for every ten (10) automobile parking spaces, and the bicycle parking spaces shall be no more than 50 feet from the proposed entrance to the use being served. Staff recommends that, as a condition of approval, the applicants submit a revised site plan showing the location(s) and type(s) of bicycle parking provided on site, and that all such bicycle parking be installed prior to operation of the facility.

Therefore, as conditioned in this criterion and Criterion 1 above, staff finds this criterion can be met.

(8) *Will not cause significant air, odor, water, or noise pollution;*

The requested change in use is going from a more intensive use to a less intensive use. No significant air, odor, water, or noise pollution impacts have been identified from the proposed change in use.

Therefore, staff finds this criterion is met.

(9) *Will be adequately buffered or screened to mitigate any undue visual impacts of the use;*

The proposed change in use does not include any significant exterior changes and is not expected to result in any identified visual impacts.

Therefore, staff finds this criterion is met.

(10) *Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County;*

The proposed Group Care Home is intended to provide increased health, safety, and welfare services to present and future inhabitants of Boulder County. No child- or health-care agencies have responded with any concerns to the proposal.

As noted by the Boulder County Parks and Open Space Natural Resource Planner, there is a basketball hoop currently located in the parking lot of the subject property, adjacent to the pedestrian and bicycle path along Boulder Canyon Drive. While the applicants have stated that residents of the Group Care Home will not have access to the front entrances of the facilities, and that all outdoor activities will take place to the rear of the structure, a basketball hoop may be attractive to residents which, due to its proximity to the public ROW, may pose a safety risk to the residents as well as pedestrians, bicyclists, and drivers. As such, staff recommends a condition of approval that the basketball hoop be removed or relocated to an area at the rear of the structure.

Therefore, as conditioned, staff finds this criterion can be met.

- (11) *Will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources;*

The proposed Group Care Home will reuse an existing structure, minimizing the consumption of resources. Additionally, the establishment of the proposed Group Care Home will provide support to a currently underserved segment of the County's population.

Therefore, staff finds this criterion is met.

- (12) *Will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.*

As discussed above, portions of the parcel are located within the Floodplain Overlay District, but no new development is proposed in those areas. Additionally, there are multiple areas on the subject parcel which have been identified as Debris Flow Susceptibility areas. However, no new development is proposed which might adversely impact these areas.

Therefore, staff finds this criterion is met.

- (13) *The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.*

The proposed change in use will not result in any changes to historic drainage patterns and/or flow rates. No referral agencies have identified any concerns related to this Criterion.

Therefore, staff finds this criterion is met.

RECOMMENDATION

Staff has determined that the proposal can meet all the applicable criteria of the Boulder County Land Use Code for Special Review. Therefore, staff recommends that the Planning Commission recommend that the Board of County Commissioners *conditionally approve docket SU-22-0008 Alps Inn Special Use Modification* with the following conditions:

1. The applicants shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of a license or permits by the Boulder County Community

Planning & Permitting Department and prior to the recordation of said agreement within one year of approval.

2. ***At the time of building permit application***, the applicant shall submit a revised parking plan for review and approval that shows delineated parking spaces, compliant with ADA parking requirements and the Boulder County Multimodal Transportation Standards. Any grading required for installation of this parking shall be shown on these revised parking plans.
3. ***Within one (1) calendar year of approval by the Board of County Commissioners***, the property owner shall eradicate all Japanese knotweed, a List A noxious weed, on the subject parcel, and shall monitor the parcel to ensure that it does not return.
4. ***Prior to operation of the facility***, the applicants shall install bear-proof garbage receptacles to prevent scavenging of garbage by wildlife.
5. The operator of the facility shall acquire and maintain all applicable local, state, and federal permits necessary for the operation of a Group Care Home.
6. ***Prior to operation of the facility***, if this facility is required to be licensed by Colorado Department of Human Services, a Boulder County Child Care Plan review by Boulder County Child Health Promotion will be required. Information on the Child Care Plan review can be found online here: <https://assets.bouldercounty.gov/wp-content/uploads/2017/12/child-care-plan-reviewapplication.pdf>
7. ***At the time of building permit application***, the applicants shall submit a copy of a Colorado Department of Transportation (CDOT) access permit (or other documentation of access permission) for the exit access.
8. ***At the time of building permit application***, the applicants submit a revised site plan to Boulder County Community Planning and Permitting for review and approval showing the location(s) and type(s) of bicycle parking provided on site.
9. ***Prior to operation of the facility***, all required and approved bicycle parking shall be installed.
10. ***Prior to operation of the facility***, the basketball hoop currently in the parking lot adjacent to the public right-of-way must be removed or relocated to an area at the rear of the structure.
11. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket **SU-22-0008: Alps Inn Special Use Modification**.



Boulder County Land Use Department

Courthouse Annex Building
2045 13th Street • PO Box 471 • Boulder, Colorado 80302
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Tuesday 10 a.m. to 4:30 p.m.

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Intake Stamp

Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name		
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent		<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning	<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es) 38619 Boulder Canyon Dr				
Subdivision Name				
Lot(s)	Block(s)	Section(s)	Township(s)	Range(s)
Area in Acres 12.5	Existing Zoning F	Existing Use of Property Lodge	Number of Proposed Lots	
Proposed Water Supply		Proposed Sewage Disposal Method		

Applicants:

Applicant/Property Owner John R. Vanderhart, Manager of Vanderhart Real Estate LLC			Email	
Mailing Address				
City	State	Zip Code	Phone	
Applicant/Property Owner/Agent/Consultant Michael Hunter, CEO of Sandstone Care Colorado, LLC			Email	
Mailing Address				
City	State	Zip Code	Phone	
Agent/Consultant FJGG, Attn: Harmon Zuckerman, Esq.			Email harmon@frascona.com	
Mailing Address 4750 Table Mesa Dr.				
City Boulder	State CO	Zip Code 80305	Phone 303/494-3000	

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner	Printed Name John R. Vanderhart, Manager of Vanderhart Real Estate LLC	Date
Signature of Property Owner	Printed Name Michael Hunter, CEO of Sandstone Care Colorado, LLC	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.



Boulder County Land Use Department

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Shaded Areas for Staff Use Only

Intake Stamp

Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name			
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent		<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning		<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es)					
Subdivision Name					
Lot(s)	Block(s)	Section(s)	Township(s)	Range(s)	
Area in Acres	Existing Zoning	Existing Use of Property		Number of Proposed Lots	
Proposed Water Supply		Proposed Sewage Disposal Method			

Applicants:

Applicant/Property Owner John R. Vanderhart, Manager of Vanderhart Real Estate LLC			Email
Mailing Address			
City	State	Zip Code	Phone
Applicant/Property Owner/Agent/Consultant Michael Hunter, CEO of Sandstone Care Colorado, LLC			Email michael.hunter@sandstonecare.com
Mailing Address 7555 E. Hampden #103			
City Denver	State CO	Zip Code 80132	Phone 316-871-2729
Agent/Consultant FJGG, Attn: Harmon Zuckerman, Esq.			Email harmon@frascona.com
Mailing Address 4750 Table Mesa Dr.			
City Boulder	State CO	Zip Code 80305	Phone 303/494-3000

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

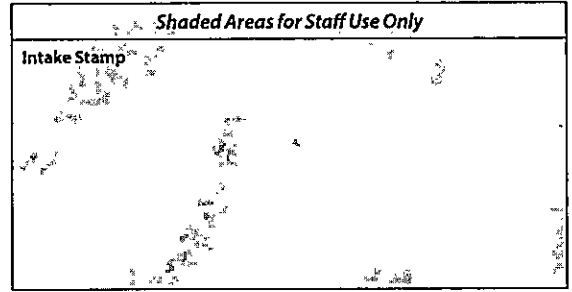
Signature of Property Owner	Printed Name John R. Vanderhart, Manager of Vanderhart Real Estate LLC	Date
Signature of Property Owner 	Printed Name Michael Hunter, CEO of Sandstone Care Colorado, LLC	Date Jun 29, 2022

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.



Boulder County Land Use Department

Courthouse Annex Building
 2045 13th Street • PO Box 471 • Boulder, Colorado 80302
 Phone: 303-441-3930
 Email: planner@bouldercounty.org
 Web: www.bouldercounty.org/lu
 Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
 Tuesday 10 a.m. to 4:30 p.m.



Planning Application Form

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Agent/Consultant FJGG, Attn: Harmon Zuckerman, Esq.			Email harmon@frascona.com
Mailing Address 4750 Table Mesa Dr.			
City Boulder	State CO	Zip Code 80305	Phone 303/494-3000

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All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner 	Printed Name John R. Vanderhart, Manager of Vanderhart Real Estate LLC	Date 6/28/2022
Signature of Property Owner 	Printed Name Michael Hunter, CEO of Sandstone Care Colorado, LLC	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.



Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

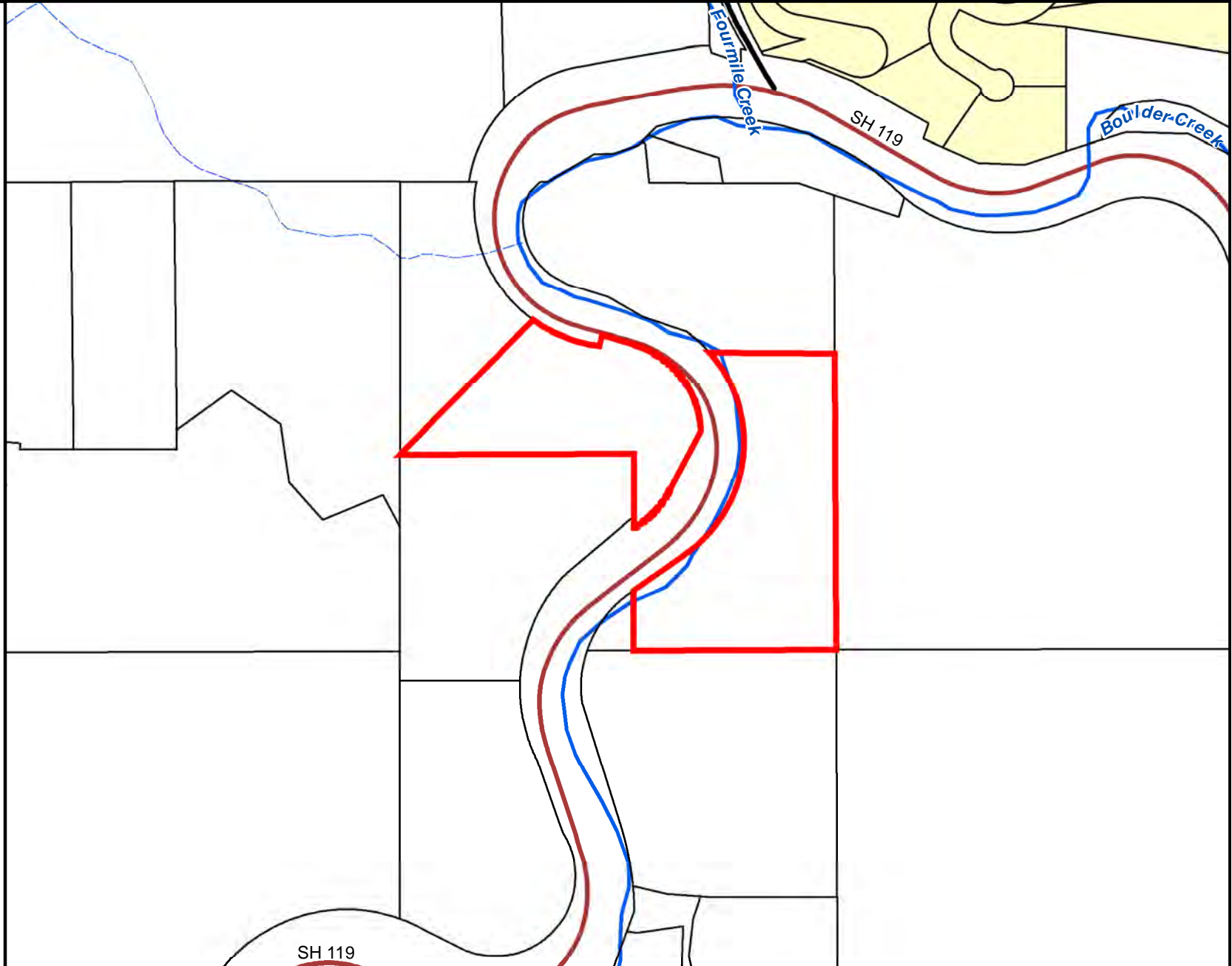
Location

38619 BOULDER CANYON DR

Subject Parcel

Subdivisions

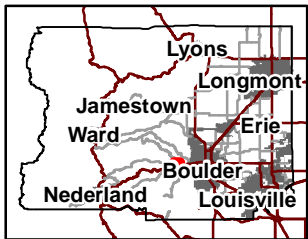
Subdivisions



0 0.035 0.07 Miles



Area of Detail Date: 12/15/2021



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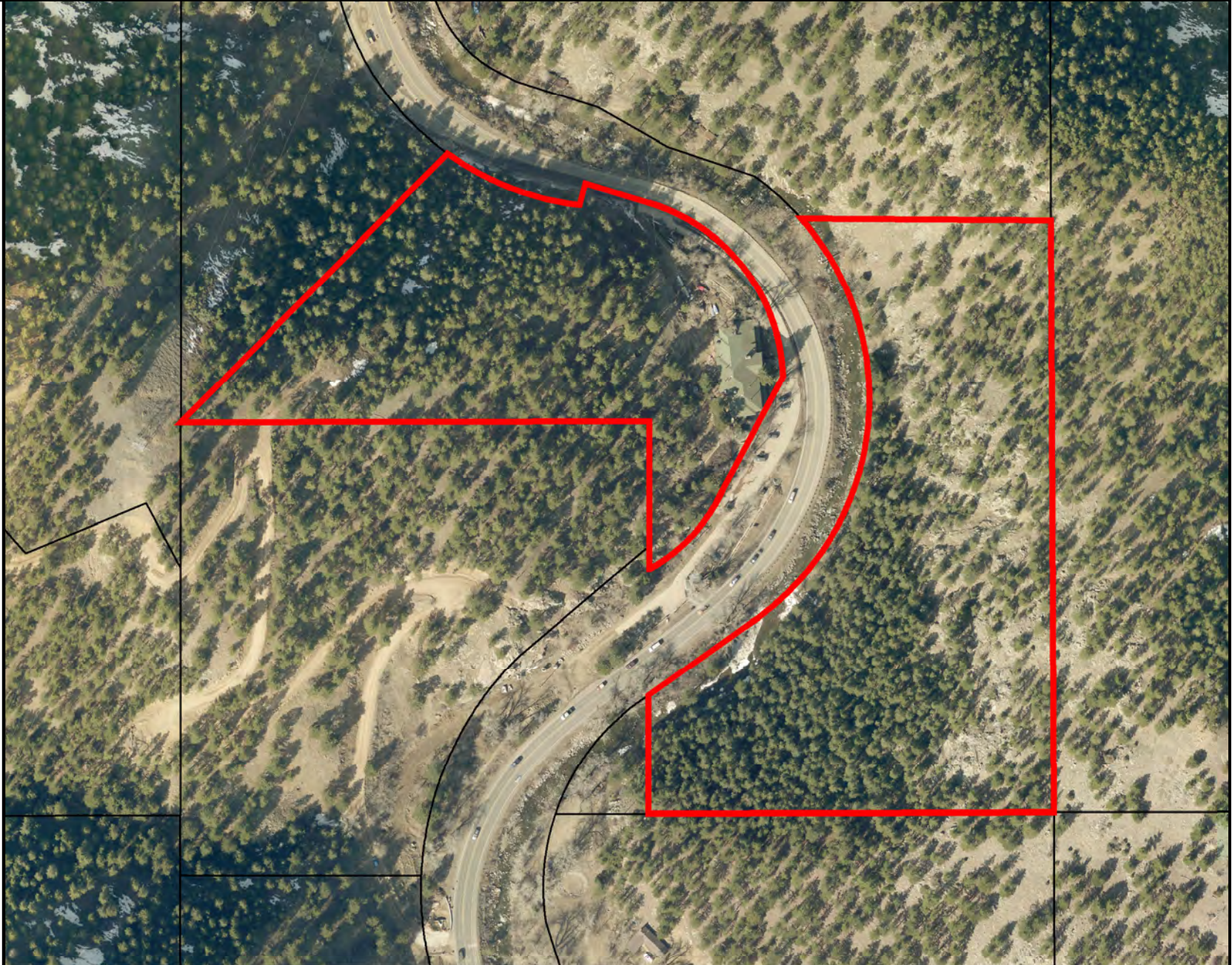
Community Planning & Permitting

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Aerial

38619 BOULDER CANYON DR

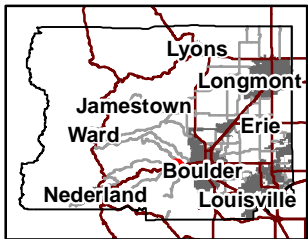
 Subject Parcel



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Area of Detail Date: 12/15/2021



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Community Planning & Permitting

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Comprehensive Plan

38619 BOULDER CANYON DR

Subject Parcel

NLNA Buffer

Archeologically Sensitive Travel Routes

Archeologically Sensitive Travel Routes

Environmental Conservation Areas

Riparian Areas

Archaeologically Sensitive Areas

Archeologically Sensitive Areas

Riparian Habitat Connectors

High Biodiversity Areas

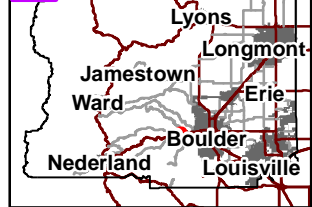
B2: Very High Biodiversity Significance

B3: High Biodiversity Significance

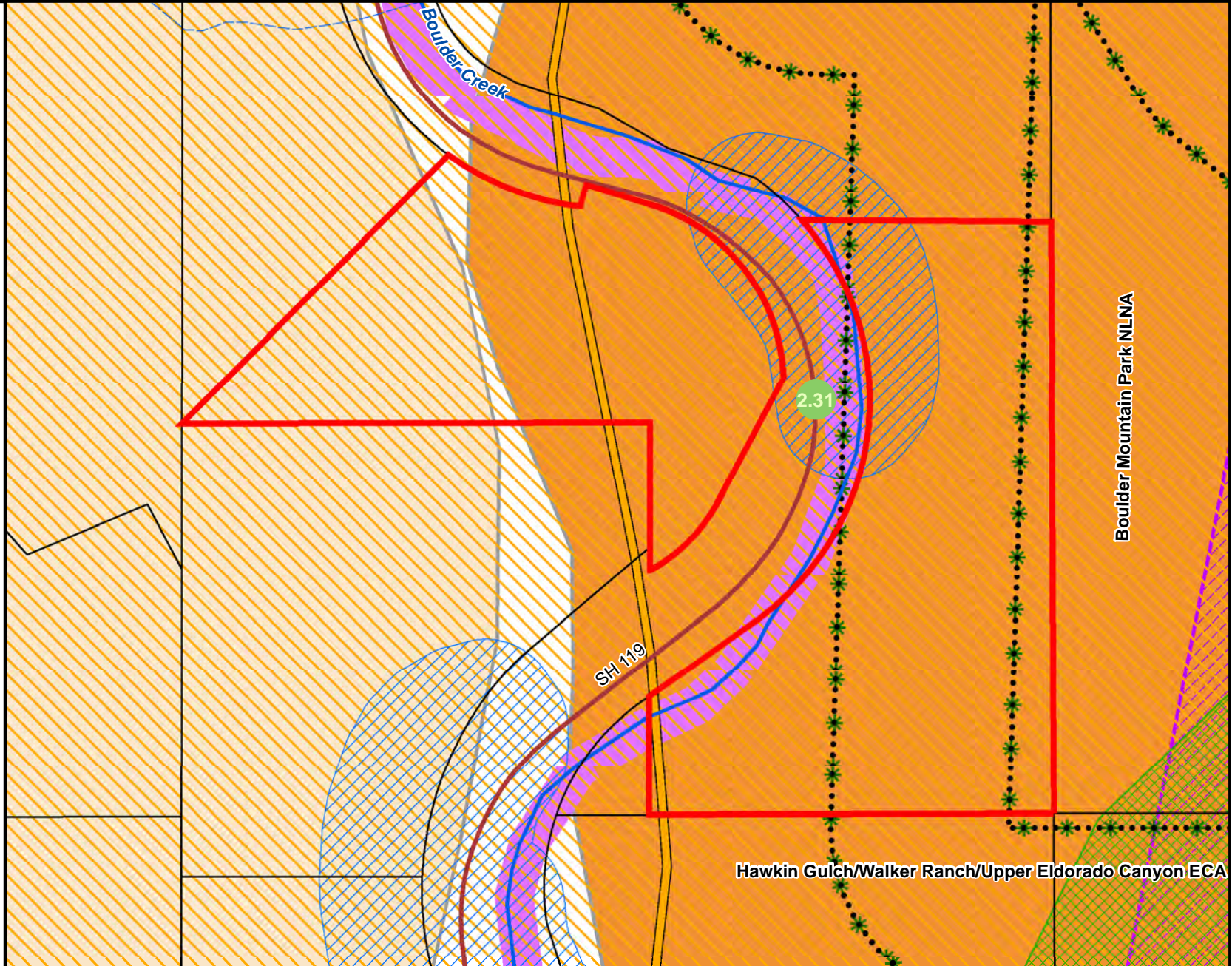
Natural Landmarks

Natural Areas

Rare Plant Areas



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Community Planning & Permitting

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Floodplain

38619 BOULDER CANYON DR

Subject Parcel

Floodplain

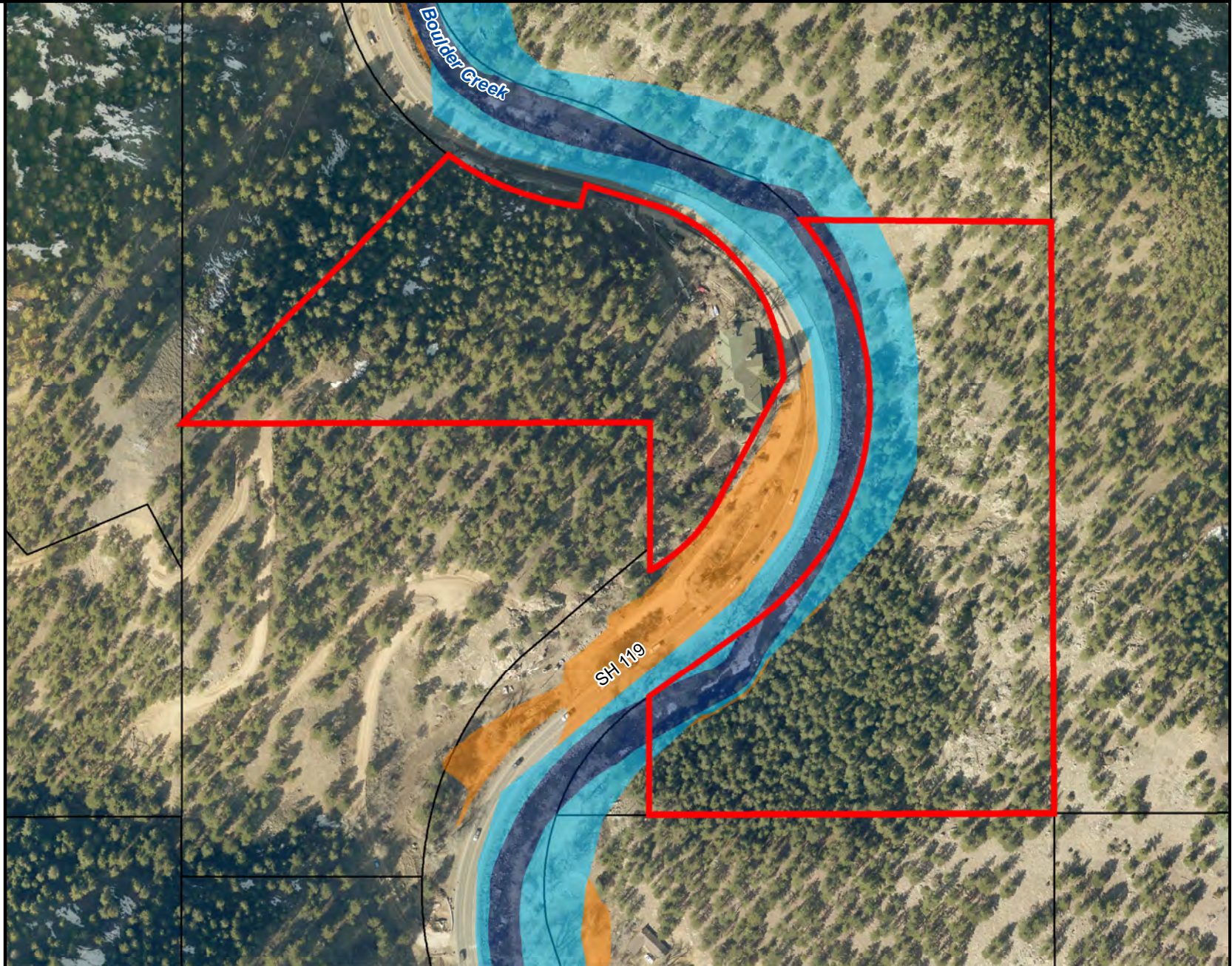
100-Year Floodplain

- Zones AE, A, AO and AH

Floodway

500-Year Floodplain

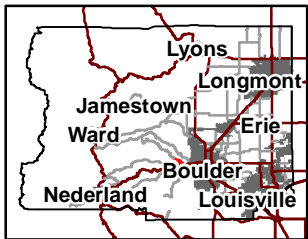
- Zone X500



0 0.015 0.03 Miles



Area of Detail Date: 12/15/2021



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Andrew B. Pipes
Caroline W. Young
Blake S. Gabriel
Ryan P. Horace

June 28, 2022

Boulder County Community Planning & Permitting
Courthouse Annex Building
2045 13th Street • PO Box 471 • Boulder, Colorado 80302

RE: Sandstone Care application for Modification of Special Use

Dear Community Planning & Permitting:

My law firm represents Sandstone Care Colorado, LLC (“Sandstone”) in connection with the potential purchase of the Alps Inn at 38619 Boulder Canyon Drive, Boulder, CO 80302 (the “Property”) and conversion of the Property from a Bed & Breakfast to a Group Care Home pursuant to Boulder County Land Use Code. Sandstone attended a Pre-Application Conference with County staff, and the upshot of this Pre-App was staff’s recommendation that Sandstone apply to modify the Special Use which currently applies to the Property. Sandstone is the contract buyer of the Property. The owner-seller of the Property wishes to support Sandstone and has reviewed and signed the Planning Application Form associated with this application as the Property Owner.

The following discussion is the narrative associated with Sandstone’s “Modification for Special Use” application.

I. Detailed Written Description

Sandstone desires to establish a group care home environment serving adolescents suffering from mild to moderate mental health symptoms. These adolescents’ lack of symptom severity makes them ineligible for acute psychiatric treatment at hospitals and other higher level treatment settings. Therefore, the services would reach a population that is currently underserved, with rising prevalence of incidence and acuity across the country.¹ This Modification of Special Use application is a request to allow Sandstone to operate the Alps Inn as a Group Care Home to provide needed care to this underserved population.

¹ In response to the prevalence of adolescents suffering from mild to moderate mental health symptoms, the Surgeon General issued an Advisory on an Emerging Youth Mental Health Crisis late in 2021, see <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>

Frascona, Joiner, Goodman and Greenstein, P.C.

June 28, 2022

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Unfortunately, this specific problem is not one that Boulder County has escaped unscathed. According to Boulder County's own data, 27% of Boulder County high school students reported feeling sad or hopeless in the last two weeks, 6% reported having attempted suicide, 16% had purposely hurt themselves without wanting to die, and 12% had a plan for how they might commit suicide if they decided to do it.² Given the increasing prevalence of these dynamics, the conversion of the Property to a Group Care Home is an important step in addressing the growing gap in mental health services needed by adolescents with mental health challenges. Sandstone has already been providing behavioral health services for many years in Boulder County on an outpatient basis. The application here is to expand the services Sandstone provides to meet a growing local need.

The Property is located two miles west of Boulder on SH 119/Boulder Canyon Drive and is zoned (F) Forestry. The parcel is approximately 12.44 acres in size, with no immediate residential neighbors. The Special Use approval (SU-90-4) which supports the existing Bed & Breakfast use allows for an occupancy of up to 24 guests, along with an owner-occupied and/or owner/employee-occupied residence. Sandstone's proposal is to use the facility and its grounds as-is, with no modifications except minor cosmetic upgrades and completion of unfinished interior areas. Occupancy of clients would not exceed the existing guest capacity of the Alps Inn; Sandstone would maintain the existing 12-bedroom capacity with two single beds in each room. Sandstone's proposed use would lessen impact to the community, traffic, and the environment. For example, linens need to be replaced daily in a lodging facility such as what exists today, but in a group care facility, linens may be replaced weekly.

Per the Traffic Study conducted by Alfred Benesch & Company, the proposed use of the facility as a Group Care Home would represent a decrease in AM peak traffic of 82% from the existing use, a reduction of 64% during peak PM traffic, and a decrease of average daily vehicles from 40 to 27. No changes to access or turning movements are proposed. The Property is served by a ¾-inch water tap from the City of Boulder's 20-inch water main. (The water tap was granted to the Moose Lodge in the early 60's in exchange for permitting the transmission line to cross the property.) No additional water service will be necessitated by the change in use. The site is serviced by an Onsite Wastewater Treatment System ("OWTS") and was approved for use and continued operation with the Boulder County Public Health Department in 2018. The 2018 OWTS permit allowed for up to 16 rooms (dual occupancy) when certified by a Colorado Engineer and would allow for up to 2000 gallons of wastewater per day, which is less than the intensity of use proposed with this application. The Fourmile Fire Protection District has a fire station just 2.1 miles north of the Property. Boulder Community Hospital, where clients would be transported in

² <https://assets.bouldercounty.org/wp-content/uploads/2019/11/behavioral-health-data-summary-2019.pdf>

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June 28, 2022

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the event of an emergency, is 5.7 miles to the east. The Boulder County Sheriff's Office provides public safety services to the Property and its surrounding area.

Permitting a Group Care Home at the Property represents opportunities not just to provide needed mental health care to underserved youth, but also to *decrease* community impacts compared to those of the current Bed & Breakfast use. As is shown in our Traffic Report, the proposed use would result in significantly lower impacts to traffic. Given that the proposed use involves no increase in the number of beds, bedrooms, or occupants, there is no anticipated increase in the impact to water use or needed septic system capacity at the Property. And, because the current plan and program inside the Alps Inn is similar to what is needed to support a Group Care Home use, there are no modifications or construction work planned which would require a building permit.

II. Discussion of Applicable Standards and Justification for the Proposal

Under Boulder County Land Use Code (BCLUC) 4-603 Modification of a Special Review Approval, an applicant must submit to the Director a written request for modification. Here, Sandstone is requesting that the Director determine that the requested modification is minor, and approve the request in writing. The determination as to whether the proposed modification is minor or substantial requires consideration of the record of the special use approval, including any express conditions, limitations, or agreements governing the approved special use and the nature, character, and extent of the land use impacts of the approved use.

The proposed change in use represents would qualify as a minor modification because it does not involve any of the following modifications which, per the BCLUC, are presumed substantial:

- structural additions that exceed stated square footage limitations
- changes to express conditions or agreements
- changes which significantly alter the nature, character, and/or extent of the land use impacts of the development or activity contemplated under the approved use

The proposed use does not involve any changes to the building. Sandstone believes that each of the conditions of approval for Special Use SU-90-4, the current Bed & Breakfast approval, are met, and Sandstone would operate in such a way as to continue to meet the conditions. The application here does not propose to alter anything in the nature, character, or extent of the land use which would create additional impacts over and above those caused by the current use. In fact, the proposed use would lessen such impacts.

The only way in which the proposed change in use could be deemed to be a substantial modification is that it proposes to change the use which is currently, expressly approved from Bed

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June 28, 2022

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& Breakfast to Group Care Home. However, even this change is more of a change in definition than in fact. Both uses are transient residential in character, involving the provision of the accoutrements of living (eating, sleeping, living, bathing) to guests.

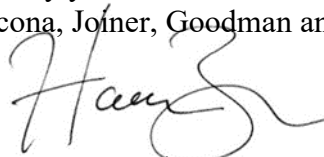
III. Conclusion

Sandstone Care Colorado, LLC greatly appreciates the opportunity to partner with Boulder County in providing a much-needed service which aligns with the needs of the community. Sandstone believes that this is a win-win opportunity that reduces community impact and makes a real difference in the residents' ability to access vital mental health care services.

Our position is that the proposed change in use may be approved by the Director as a minor modification to the Special Use approval (SU-90-4) which supports the existing Bed & Breakfast use. Based on the foregoing discussion, Sandstone requests that Boulder County approve a minor modification to SU-90-4 to allow either (1) the continuation of the existing Bed & Breakfast use subject to the conditions of the current approval or (2) the operation of the Alps Inn as a Group Care Home as described above in this narrative.

Thank you very much for your time and attention.

Sincerely yours,
Frascona, Joiner, Goodman and Greenstein, P.C.



By: Harmon Zuckerman, Esq.

About Sandstone Care LLC:

Sandstone Care is a TJC, RCCF, and OBH-accredited organization that has been providing addiction treatment services to Colorado residents since its founding in 2015 and has served residents of Boulder County at our Interlocken location since 2017. We currently have the largest behavioral health facility footprint in the state for any entity headquartered in Colorado. We provide age-specific care for adolescents and young adults, whose needs are often nuanced and distinct from those of older adults struggling with behavioral health and/or addiction.

Frascona, Joiner, Goodman and Greenstein, P.C.

June 28, 2022

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Sandstone Care originated as a solution for those seeking outpatient drug and alcohol abuse counseling who were often lost in a treatment industry that wasn't delivering care that met the age-specific needs of young adults or adolescents, who often were struggling across multiple life domains. Inpatient levels of care were added at Sandstone Care over time in response to increased demand, among clients who periodically experienced interruptions to the care process when being referred out for those service levels with other community providers.

While there are a number of large-scale facilities in Colorado providing behavioral health services with more than 100 beds, Sandstone Care has elected to maintain small individual facility footprints focused on the delivery of quality, evidence-based services rather than quantity of people served. Our services have historically been more robust than those delivered by peers in the behavioral health space with extra group support (including after-treatment family and client support groups at no charge), wrap around family services that include family groups and individual family sessions, academic and vocational services targeted for the needs of our ages specific programs, and strong referral services for ensuring that those we are either unable to serve or those who need more than the service offerings we provide are able to get access to the quality care they deserve.

In 2021, Sandstone Care began providing outpatient mood disorder services alongside our outpatient substance use disorder tracks, as this had become the number one reason that we were turning clients away, and there were many clients and families who did not fit neatly into the substance use disorder model. These services, in the span of a year, quickly grew (and in some cases exceeded the demand for our substance use disorder services), as the industry as a whole has seemed highly focused on either large psychiatric hospital settings for acute stabilization or private practice groups whose services simply are not robust enough to meet the needs of adolescents and young adults whose symptoms are not significant enough to require hospitalization, but whose symptoms have been unable to be adequately addressed with individual sessions from therapists in private practice.

Sandstone Care, by providing a true corollary level of care to our adolescent residential substance use disorder track, is now poised to close that last gap that we see in the community and our service offerings. We have been successfully serving adolescents in Colorado for years (frequently including Boulder County residents, who are often referred from our Interlocken location and travel to our Colorado Springs location for residential services, and who ultimately return for outpatient care). We believe that the Alps Inn is an ideal location for this endeavor and that it meets the needs of the local community, while still maintaining the smaller footprint that supports a quality over quantity approach to care.

Memorandum

TO: Edwin Alvarado (Sandstone Care COS LLC)

FROM: John Moschovich, PE, PTOE (Alfred Benesch & Co.)

SUBJECT: Alps Inn Traffic Memorandum

DATE: March 24, 2022

Mr. Alvarado

Benesch has had the opportunity to review the traffic impacts of the change in land use for the Alps Inn property at 38619 Boulder Canyon Dr in Boulder, Colorado.

Property Description

As shown below in Figure 1, the Alps Inn property is located along the west side of SH 119. There is a single entrance to the property to the north that is a right-in-only access from westbound SH 119. The driveway from this northern access point is shared with the Boulder Canyon Trail, a pedestrian and bicycle trail along SH 119, for approximately 350 feet until the parking lot and trail diverge. To the south there is a single access point to SH 119. This access is an exit only with right-turn only access to westbound SH 119. According to the Colorado Department of Transportation (CDOT) Access Permit issued August 27, 1991, eastbound SH 119 left turn movement is prohibited at the southern access driveway. The parking lot for the property is one-way only from north to south. Additionally, there are 27 parking spaces provided within the existing property.



Figure 1 – Alps Inn and SH 119 Overview



Since 1991, the existing property has been operating as a bed and breakfast called the Alps Boulder Canyon Inn. Similarly, the past uses of this property have been lodging and event spaces since at least 1907. The Alps Boulder Canyon Inn is a 12-room bed and breakfast with a maximum capacity of 24 persons and the owners of the bed and breakfast lived on-site. Sandstone Care has acquired this property and will open a group care facility using the existing building. There is no change in land use planned for this property. The existing use as a bed and breakfast and the proposed use as a group care facility both fall within the same land use according to Boulder County Land Use Code Article 4-101 Forestry (F) District.

Adjacent Roadway Conditions

The Alps Inn property sits along SH 119, also known as Boulder Canyon Drive, at approximately mile post 38.7. This segment of SH 119 is a minor arterial that connects the cities of Boulder and Nederland. The roadway along the Alps Inn property is an asphalt road surface with two lanes of traffic, one each for westbound and eastbound. The immediate and adjacent sections of roadway are located along horizontal curves with superelevation and a posted speed limit of 40 MPH. According to a 2020 update from the CDOT Otis database the Annual Average Daily Traffic (AADT) of SH 119 is 6400 vehicles and the Design Hourly Volume (DHV) is 1024 vehicles.

Existing Land Use Traffic Data

There is an existing CDOT Access Permit issued August 27, 1991, for the southern exit only access for this property. The Access Permit states that the Average Daily Volume or Average Daily Traffic (ADT) permitted for the southern access is 36 vehicles. All 36 vehicles are expected to be passenger cars and light trucks.

Proposed Land Use Trip Generation

A trip generation analysis was completed to predict the number of vehicular trips that the Sandstone Care group care facility may generate during a typical day. The vehicle trip generation estimates were determined using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, shown in the following table.

ITE Trip Generation: 11th Edition (Table 1)

LAND USE CODE	LAND USE	MISC.		ADT (VPD)	A.M. PEAK HOUR (VPH)			P.M. PEAK HOUR (VPH)		
		Quantity	Unit		In	Out	Total	In	Out	Total
320	Motel	12	Rooms	40	4	7	11	8	6	14
253	Congregate Care Facility	12	Dwelling Units	27	1	1	2	2	3	5

Motel land use code is the closest use to a Bed & Breakfast and the proposed facility is intended for 24 clients occupying 12 dwelling units

The ITE Trip Generation Manual estimates that the traffic entering and exiting at both the AM and PM critical peak hours will be significantly lower for the proposed facility. The AM peak hour volume will decrease 82% to 2 Vehicles Per Hour (VPH) and the PM peak hour volume will decrease 64% to 5 VPH. This is due to the clients and staff staying at the facility for extended periods of time. The proposed facility is intended for 24 clients occupying 12 rooms or dwelling units with an average client stay estimated between 45 and 60 days which is significantly longer than the typical bed and breakfast guest. The staff will be on-site 24 hours a day with day and night shift changes that generally occur



outside of peak commuter periods.

With the change in land use the ADT will also decrease from 40 to 27 Vehicles Per Day (VPD) according to the ITE Trip Generation Manual. This is less than the 36 vehicles shown in the existing CDOT Access Permit. Sandstone Care does expect a slightly higher volume of vehicles each day as the following table of estimated client, staff, and other trips summarizes.

Estimated Daily Vehicles Trips (Table 2)

CLIENTS	
1	Client turnover estimated to be 2 to 4 clients per week
DAY SHIFT EMPLOYEES	
4 to 5	Behavioral Health Technicians
3 to 4	Nurses
6 to 8	Clinical Team Members
1 to 2	Administration Staff Members
NIGHT SHIFT EMPLOYEES	
3 to 4	Behavioral Health Technicians
2 to 3	Nurses
OTHER TRIPS	
2	2 Company owned vehicles, primarily used to transport clients to weekend outings
4	Delivery services, assumed daily delivers from USPS, UPS, FedEx, and Amazon
TOTAL TRIPS	
32	Average Daily Traffic

As shown in Table 2, the proposed land use will have a lower ADT at the permitted access. Both estimates, 27 vehicles if using the ITE Trip Generation Manual or 32 vehicles if using Sandstone Care's client and staffing estimates are less than what is currently permitted, 36 vehicles. With no expected changes to the AADT and DHV of SH 119 beyond standard growth factors the proposed land use will result in similar average daily volumes and lower peak hour volumes entering and exiting SH 119.

Conclusion

Based on the proposed land use, the facility would be expected to generate similar daily traffic volumes. However, during the peak commuter periods for the morning and afternoon, the facility would be expected to reduce the amount of enter and exit volumes. The reduced peak hour traffic entering and exiting the proposed facility would result in safer driveway intersections with SH 119 because fewer turning vehicles reduce the chance of accidents occurring and lessens congestion that may occur during critical times.

Thank you,

John Moschovich, PE, PTOE
Alfred Benesch & Company



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM

August 28, 1990 9:00 AM

MEMORANDUM

TO: Board of County Commissioners
FROM: Boulder County Land Use Staff *RK*
DATE: August 28, 1990

STAFF RECOMMENDATION

Docket SU-90-4: BOULDER CANYON INN

Request: Special Use/Site Specific Development Plan, for a bed and breakfast resort lodge with sewage treatment facility, in the old Moose Lodge.
Location: At 38619 Boulder Canyon Dr., 2 miles up Boulder Canyon, in Section 34, T1N, R71W.
Zoning: Forestry
Applicants: John and Jeannine Vanderhart
Planning Commission: Conditional Approval July 18, 1990

DISCUSSION

This is a request to change the use of the Moose Lodge, located approximately two miles west of Boulder up Boulder Canyon, into a 12-room bed and breakfast resort lodge, called the Boulder Canyon Inn. In addition, the applicants are requesting Special Use approval for a restaurant open to the general public (for up to 50 persons), and for large special events, such as weddings, (for up to 200 people).

The Moose Lodge is recognized by Boulder County as a non-conforming use and has been in operation as the Moose Lodge for the last 30 years. Prior to that time, the structure was known as the Alps Lodge, and prior to that the Hadley Cottages (prior to 1907), as documented by the Boulder Historical Society.

The parcel is approximately 24.4 acres with 7 acres on the southeast side of Boulder Canyon Dr., and 17.4 acres on the northwest side where the lodge is located. Middle Boulder Creek runs along the southeast side of Boulder Canyon Dr. through the 7-acre parcel.

The proposed bed and breakfast facility will have 12 guest rooms for a maximum occupancy of 24 people in addition to an owner-occupied or owner/employee-occupied residence. Breakfast and lunch will be provided to the guests. No evening meals will be served. The proposed private parties, limited to a maximum of 200 people, will also be required to rent at least one of the guest rooms for lodging. The proposed restaurant, open to the general public, would be limited to a maximum of 50 people, would only serve breakfast and lunch, and would serve primarily bicyclists and hikers using the Boulder Canyon Trail.

The lodge is served by a 3/4" water tap from the City of Boulder's 20" water main. This water tap was granted to the Moose Lodge in the 1960s in exchange for permitting the transmission line to cross the Moose Lodge property. Because of existing site restrictions, an engineered sanitation system is required and might exceed 2000 gallons of sewage per day. Therefore, the applicant is also requesting Special Use approval for a sewage treatment facility. The new septic system and kitchen will be required to meet all requirements of the Boulder County Health Dept. If the septic system exceeds 2000 gallons per day, site approval by the Colorado Health Dept. may also be required.

In accordance with the State Highway Department's request, the existing lower access will be converted to a right-in-only access with the driveway being one way in the direction up the canyon. The relocated upper access will be the exit, and will require an access permit from the State Highway Dept.

Phase II of Boulder County's proposed 8 ft. wide Boulder Canyon pedestrian/bike trail will follow the highway primarily in the State Highway Department's right-of-way on the north side of Boulder Canyon Dr. through this property.

While a bed and breakfast use is not specifically defined in the Boulder County Zoning Resolution, the zoning administrator has consistently interpreted that use to be a resort lodge which is allowed by Special Review in the Forestry and Agricultural Zoning Districts (Section 20-102(1)(j)). Bed and breakfast uses have been added to the list of possible regulation amendments to be considered in the near future. At that time, customary accessory uses will also be determined, such as large private parties. However, until that research is completed, staff does not consider these uses as accessory to a bed and breakfast facility. In addition, staff does not support a restaurant open to the general public, based on Section 12-101(1)(j) which allows eating or drinking places as a use-by-right in the Business Zoning District. Staff has determined that this proposed use would require a rezoning to Business, Commercial or General Industrial.

REFERRALS

The City of Boulder expressed concern as to whether the existing water tap is adequate for the proposed use. The applicants' engineer, Jim Push, has indicated that the existing tap is adequate for the projected use.

The Four Mile Canyon Fire Protection District requested two conditions be placed on the Special Use, that the exiting and interior access, including corridors and stairs, meet the current Uniform Building Code requirements, and that a NFPA 13D sprinkler system be installed throughout the building.

The County Public Works Department has indicated support for the bed and breakfast use, but because of lack of available parking area outside of the road right-of-way, did not support the other proposed uses.

Sara Lee, an adjacent property owner, at the corner of Boulder Canyon Dr. and Four Mile Canyon Dr., responded in opposition to the proposal with a number of concerns, including fire danger, traffic impacts, trail location. Staff finds that the applicants adequately addressed those concerns in the July 11, 1990, letter.

CRITERIA

With regard to the standards for approval as specified in Section 20-301, staff finds the following:

- 1) The existing structure does not meet current setback requirements, but is grandfathered in as a non-conforming structure. However, any additions that would be located in the setbacks would require a Board of Adjustment variance. The proposed garage noted on the Site Plan would need such a variance.
- 2) The proposal will remain in harmony and compatibility with the surrounding area, due to the historical use of the lodge.
- 3) The proposal will be in accordance with the Boulder County Comprehensive Plan.
- 4) The proposal will not increase the intensity of use beyond the capacity of the land or deplete natural resources. Staff finds that a 12-room bed and breakfast resort lodge is significantly less of an impact than previous uses at this site.
- 5) It will have no impact on capital improvement programs.
- 6) No community facilities or services are required that are not available.
- 7) Based on the State Highway Dept. response to this proposal, it will not create significant traffic hazards.
- 8) It will not cause significant air, water or noise pollution.
- 9) Existing vegetation screens portions of the lodge from the highway, and the applicants are proposing to do extensive landscaping behind the lodge for a private outdoor area for guests.
- 10) The proposal will not otherwise be detrimental to the health, safety, or welfare of inhabitants of Boulder County.

In addition, staff finds that the Site Specific Development Plan criteria (Section 9-301) will be met with the revised Site Plan. The Development Agreement will be reviewed and approved by the Land Use and County Attorney's staffs prior to Board of County Commissioners signature and recordation.

The Planning Commission reviewed and conditionally approved this request on July 18, 1990. A copy of the minutes of that meeting are included in this packet. Fire protection was the primary concern, and the Planning Commission added the request of the Four Mile Canyon Fire Protection District to the conditions of approval.

RECOMMENDATION

The Land Use Staff and the Planning Commission recommend that the Board of County Commissioners approve Docket SU-90-4: BOULDER CANYON INN Special Use for a resort lodge and sewage treatment facility, and Site Specific Development Plan, with the following conditions that:

- 1) The Special Use be limited to the 12-room bed and breakfast facility with commitments of record.
- 2) The sewage disposal system and food service facility meet Boulder County Health Dept. requirements.
- 3) An access permit be obtained from the State Highway Dept.
- 4) The Site Plan and Development Agreement be reviewed and approved by the Land Use, Public Works and County Attorney's staffs prior to recordation.
- 5) Exiting and interior access, including corridors and stairs, meet current Uniform Building Code standards.
- 6) A sprinkler system be installed throughout the building that meets NFPA 13D as a minimum standard.

CERTIFICATE OF RESOLUTION

TO: Board of County Commissioners
FROM: Boulder County Planning Commission

This is to certify that at a meeting of the Planning Commission of the County of Boulder, State of Colorado, duly called and held on Wednesday, July 18, 1990, the following resolution was duly adopted:

"Be it resolved by the Planning Commission of the County of Boulder, State of Colorado, that it recommend to the Board of County Commissioners of said county CONDITIONAL APPROVAL of the request described as follows:

Docket SU-90-4: BOULDER CANYON INN

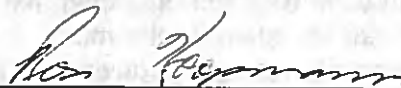
Request: Special Use/Site Specific Development Plan, for a bed and breakfast resort lodge with sewage treatment facility, in the old Moose Lodge.
Location: At 38619 Boulder Canyon Dr., 2 miles up Boulder Canyon, in Section 34, T1N, R71W.
Zoning: Forestry

Subject to the conditions that:

- 1) The Special Use be limited to the 12-room bed and breakfast facility with commitments of record.
- 2) The sewage disposal system and food service facility meet Boulder County Health Dept. requirements.
- 3) An access permit be obtained from the State Highway Dept.
- 4) The Site Plan and Development Agreement be reviewed and approved by the Land Use, Public Works and County Attorney's staffs prior to recordation.
- 5) Exiting and interior access, including corridors and stairs, meet current Uniform Building Code standards.
- 6) A sprinkler system be installed throughout the building that meets NFPA 13D as a minimum standard.

Dated at Boulder, Colorado, this 18th day of July, 1990."

BOULDER COUNTY PLANNING COMMISSION



**Rosi Koopmann, Planner
for Graham Billingsley, Secretary**

REGULAR PLANNING COMMISSION
July 18, 1990

3. Docket SU-90-4: BOULDER CANYON INN
(3:30 pm)

ROSI KOOPMANN presented the application from John and Jeannine Vanderhart. The request meets criteria for approval as recommended with conditions.

JIM MARTINSEN: I'm not quite clear on the sprinkler system. They are going to install a system?

ROSI KOOPMANN: That's what they have committed to do.

JIM MARTINSEN: They're that committed, so we don't need that as a condition of approval?

ROSI KOOPMANN: Staff is uncomfortable making that a condition, since the regulations don't require it.

JIM MARTINSEN: But the Four Mile Fire Dept. is requiring them?

ROSI KOOPMANN: Correct.

OPEN PUBLIC HEARING

JOHN VANDERHART: I concur with the Staff Recommendation. The site has historically been used as a lodge and restaurant and has hosted many weddings and receptions. All of the referral agencies said we would create less of an impact on the canyon than the Moose Lodge.

NATALI STEINBERG: One of the recommendations was that we only approve for the bed and breakfast, and not the restaurant open to the public or special events. Are you prepared to go ahead if we do not approve those other two uses?

JOHN VANDERHART: We came up with the idea of having the restaurant more or less to provide just box lunches for hikers and trail users. In working with the Land Use Dept., the criteria is: ask for everything you might want, because you're going to be locked into to. So although we never intended starting a restaurant, we felt that was a nice idea and would be of benefit to people in the canyon, and we'd like to incorporate that possibly sometime in the future. That was not one of the original issues. As far as parties, that's kind of a misnomer. We would like to have weddings and receptions; we feel the site is a very nice and attractive place to do that, so we felt that would be a nice accessory use. We had planned on that all along. Weddings and receptions are customary uses for bed and breakfast resorts. Now 200 people is the most we thought we might ever need, so we asked for the most. I would like the ability to police that ourselves, find out what a reasonable number is, given the parking we have, with maybe you giving us a top limit. If we find that even that number is uncomfortable, we could trim that down ourselves. We'd be very responsible, since we're going to be owner/occupants.

SAM FITCH: I'm inclined to support the Staff Recommendation, particularly because of the question of parking. If you want additional uses beyond the bed and breakfast, the information required to approve that really isn't here. You're talking about 104 spaces for parties up to 200 people plus staff. I don't think you can get them all in there. There are questions about that number of additional cars coming in and out of that site at particular times. It requires more information, probably a separate Special Use hearing to justify those additional things which are really not raised by the 12-room bed and breakfast.

JOHN VANDERHART: The Moose Lodge has hosted parties of more than 300. As far as I know, and as far as I've heard from the Sheriff's Dept., there has never been a complaint about the parking up there. The Highway Dept. is not at all opposed to us continuing to use the parking in the right-of-way. Again, I would like us to be able to govern that. We are very conscientious of how our guests are going to react to these parties. Our primary business is a bed and breakfast, and not a restaurant or a party place. So we will be very conscious of how this parking affects people. If someone were to complain, I would like it to be left to us to a certain extent to police that. If we weren't taking care of that, the county has ways of making us. Rather than an out-and-out "no, you aren't allowed to have a wedding." Where do you draw the line? At a wedding of 15 people, or of 50 or 100? If you would want to set a limit, I wouldn't be opposed to that. But I can just tell you, historically, that site has supported parties of upwards of 500 and there have never been complaints. All we're really asking for is a clarification of zoning. Since the property is legal nonconforming, we wanted to be real up front and make sure we did everything right. That's why we asked for a Special Use Review rather than just going ahead with our plans. We just want to make sure everybody's clear on where we stand.

SARA LEE: I live on the corner of Boulder Canyon and Four Mile Canyon Drives, in the historic townsite know as Orodell. The property has been in my family since 1949. I have been living there since 1980. I'd like to thank the Land Use Staff; they've been very good to work with. My property lies down the road from the lodge, also downstream and downwind. It also lies next to the Wagon Wheel Campground and Motel. Because I have lived for years next to this commercial operation, I'm very aware of the problems intrinsic with commercial use. I'm also aware that no matter how good someone's intentions are, with a commercial operation those intentions can change inadvertently. If the property is sold, the designated use goes with the property. I've expressed a lot of concerns about increased traffic, trespassing problems. Another great concern is fire danger, especially since I'm downwind; fire danger is very real to me. A commercial use that involves parties of 200 people, especially if liquor is served and people are out walking around, really increases the fire danger. I'm also concerned that if there's a restaurant for 50 people, I will have people trespassing, eating, hiking, camping on my land. These are things that can't always be controlled. They're intrinsic with large numbers of people, that come with commercial use. I do agree that a bed and breakfast is much better than also having a restaurant plus facilities for 200. It will be a more minimal impact.

I have a couple of specific suggestions for my property. I would like to have it marked so I can control possible trespassing. I don't know what to do about the fire danger; maybe nobody will smoke ever again in Boulder County. I'd also like to have my driveway marked. I live with daily problems of people looking for the campground because the sign is right across from my driveway. I would like some of those issues to be addressed so I can protect my privacy and keep trespassing down.

If a bed and breakfast is approved, where does that stop? If the property is sold, because it is zoned for a bed and breakfast, what options would buyers have? Would it have to stay as a bed and breakfast? Does that open up for granting a liquor license? Or for applying for a restaurant license? Or for large parties?

{Tape 4}

A lot of my concerns fall into the category of indirect impact. For those of us living in Boulder and Four Mile Canyons, a lot of the issues really do affect us. They don't often show up in planning reports. The more attractive operations or structures or bike paths we have bringing so many more people into the canyon, the more it impacts our lives. The traffic, trespassing, transients, and fire problems are very real to those of us who live there. My main concern is the commercial use and the size of it. And I'd like to see those issues contained as much as possible.

TOM LORAN (38478 Boulder Canyon Dr.): Our family owns the property adjacent to the Moose on the uphill side. I have a great concern. I don't mind a bed and breakfast; I think it'll make a lovely bed and breakfast. But their brochure sounds like a restaurant. There's drop-in trade for lunch, 200 people. You open Pandora's box by allowing the lunches and the large parties. I drive by there many times when there are large groups, parked all over on the highway. We don't complain; we're good neighbors; we just slow down and go around. However, that is the most dangerous curve in Boulder Canyon. If the Highway Dept. had extended their fence/barricade another 50 ft., it would have prevented at least five accidents in the last five years, where cars have gone into Boulder Creek. On the mountain side, it's always a bad spot because it's shaded and cars skate into the mountain. The worst thing is that the drainage from the Moose goes right onto the highway and makes it slippery there. No matter what is done with that property, you should take care of that problem. It's a very dangerous place to increase traffic. Now there isn't as much traffic because the Moose isn't open that much. When you talk about 500 people there, look at the parking: where are you going to park all the cars? There's a parking problem. Limit it to a bed and breakfast.

We'd also like to address the history of the place. When it was the Elks it turned into a brothel, and was shut down with big pictures in the paper. So the historic use is not something to be used as a guide for what it's going to turn into. Let's keep it narrow and tight, and not create problems for us in the mountains. I worry about the septic tank. Right now, in that area of Boulder Creek, the water smells. It comes from upstream. It's all along. It's development. It's septic tanks. Right now there's a major problem with the septic tank at the Moose; they shut it down because of that problem. Now they want a bigger one. Look at how close they are to Boulder Creek. Tell me it's not going to drift in there and create problems when you have 200 people at a party. I think we're polluting our rivers; settling ponds help, but where are you going to put a settling pond in that place? They're right next to the river. Let's think twice about this.

Lastly, I want to ask your help. I'm concerned about the bicycle trail; where is it going to go? The map (here) shows it all the way up Boulder Canyon, right on my land. Nobody has contacted us. What are we running here, a Watergate? Can't these people let us know what they intend to do? I hear rumors it's going to go under the road over a cattle guard; it goes right on our property again. We're human; we want not to be rolled under and have to go to a lawsuit to stop this crap. We can be nice about it; we can talk about it. They can come to us and tell us what they're going to do to our land.

MARGARET HANSON (Chief, Four Mile Canyon FPD): I'd like to explain our concern with this project, and why we requested two conditions be added for approval. What you're proposing will give us 24 guests plus staff all sleeping under one roof in one building in the middle of the urban wildland interface. This is a level of potential life safety hazard that our department has not been designed to deal with. We are a mountain fire department and are designed for single-family homes. The increase in taxes we are going to get from this use would not even make a sneeze at letting us upgrade our department in order to fight this kind of a fire without some help from the building. Obviously, the greatest danger is at night when people are asleep in their rooms, and we would need all the help we can get to get them out. We would obviously try to save the structure, but our concern is life safety. We need help to make sure we wouldn't lose lives unnecessarily in this building. That's where our two requests came from. First: exiting. Staff did not even respond to our request for additional upgraded exiting requirements. The code, because it's an existing building, would not require one-hour protection in exit corridors. Were it a new structure, they would have to do that. If we had done fire inspections in that building over the years, I have never seen anything that indicated one-hour protection construction in there. What we're asking, because it's the cheapest time to do it, is that they be put on notice at the beginning that the fire department is going to require one-hour protection construction.

The sprinkler problem got side tracked because we were hoping that the City would allow a second water tap dedicated to fire protection. That was going to make the problem simple. It appears, for political reasons, that the City is not prepared to do that at this time. We insist that this be built to some standard. 13D is the most minimal standard recognized for sprinklers; all it requires is enough pressure in the line to operate two heads at one time. A sprinkler head in the ceiling makes you feel safe, but if it's going to dribble water, it's not going to do anything but give you a false sense of security and you're going to be even slower getting out in the middle of the night. This is why we've asked for a standard to be included in what Mr. Vanderhart has said he is willing to do. This standard is less than the Life Safety Code, which is part of our code, requires. By saying we're willing to do this, if they really had 200 people in a meeting, the sprinkler system might not work there. That's not where we see the critical life safety problem; we see it in bedrooms in the night. Because we're a volunteer department, we are not going to be able to get there fast enough to get people out if they have a good fire going. So we need this help.

There are several ways, not terribly costly, that they can deal with the existing taps. If this is not required and done as part of the initial construction, the only option you leave us is to go in there and shut them down and make them do it later. 13D sprinkler systems are less than \$1 per sq.ft. if installed initially; and about \$2.50 per sq.ft. if retrofitted. So there is an enormous benefit to the owner to know up front what we're requesting. What we're really after is your cooperation so that we're all talking about the same thing. This fire department would be enormously irresponsible, perhaps even criminally negligent, if we let that kind of a fire hazard exist in our district. We adopt a fire code, we do inspections, in order to mitigate potential fire hazards. We intend to have these systems in there. It's going to be to Mr. Vanderhart's benefit to do it as part of the construction, and we ask your support to let him know, and have County Building Chief Gary Goodell do the inspections, so we don't have to come back after the grand opening party, and shut him down because he didn't do this. Please include these as part of your approval.

CHRISTOPH MUELLER (Owner, Red Lion Inn): When I heard it was going to be a bed and breakfast, I said that's great, it will enhance the whole property. But I would like to see the plan.

The building seems very small for 12 rooms plus owners' quarters. This decision should be made on total layout, not on usage.

MARTHA WEISER (4020 N. 75th): I'm concerned with the traffic problems, especially getting in and out, the numbers of cars that might be driving in and out at a given time. I know this area, it is one of the most dangerous curves on the road. It's a road that has other uses above, so that it's passed frequently. The kind of in and out use you would have with a bed and breakfast is acceptable; the kind of use you would have during a major event is not; it has not been in the past. A member of my family was involved in an accident caused by traffic leaving a large event there. A restaurant open to the general public, which also would have a higher rate of in and out traffic, would constitute uses other than the private club type of use that the Moose Lodge had. You could well separate out the larger uses, and approve only the bed and breakfast. Regarding how much space is needed in the parking areas, perhaps that should be requested later as a zoning change, not a grandfathered use.

JOHN VANDERHART: First off, I would really like you to consider comments made regarding the bike path, and traffic and any development as a result of that path, as a separate issue from us. It's our understanding that path is going to go in regardless of what the lodge use is. As far as the septic system goes, our engineer states that a bed and breakfast, and occasional parties, can be supported by a system requiring less than 2000 gallons. That means we do not need settling ponds, or open septic systems that create an offensive odor. I think that the septic smell that people are talking about is some open settling ponds on the Red Lion property. I realize with the kind of occupancy he has, there was nothing else that could be done, and we'll live with that odor. But we don't think we'll be adding to that in any way. Our engineer did say if we were to add the restaurant as an accessory use, we would need to go over that 2000 gallon limit. So we have more or less ruled out the restaurant ourselves, although we only found that out after we had started the Special Use application process.

We are very concerned about fire. We want to do everything economically feasible to protect ourselves and our guests. We will be getting building permits, and everything -- electrical, plumbing, etc. -- will have to be brought up to current code. So it is going to be like a rebuilt structure. We are very sensitive to the historical nature of that building. We are currently working with the State Historical Dept., and they have guidelines about changing hall widths, etc. We for sure will set up all of the accesses to the outside to meet code. There is no question about that. Every room in that building will have a hard-wired smoke detector. That means if one goes off, they all go off, and all people will be alerted. People will definitely know how to get out. All the accesses will be marked with exit signs to current code. We do intend on putting in some sort of sprinkler system; at this point, we're not sure what the water supply will allow. Rather than putting in some sprinkler system that just sits there and won't run in a fire, we want to make sure that we get something that works. I don't know at this point if that is going to meet the specs Ms. Hanson's requiring. We don't know how many gallons per minute we're going to need to do that. So if you put any sort of stipulation on this, I would like that you ask us to work with the fire department to address these fire concerns. I just don't see why that needs to be addressed in this hearing, since it will have to be addressed in our building applications.

As far as concerns expressed about the site: we worked with state engineers and came up with a suitable plan for access, based on restaurant, wedding and bed and breakfast uses combined: creating a right-in-only and relocating one of the entrances down 60 ft. The state engineers are

sticklers about this sort of thing, and they support our plan.

NATALI STEINBERG: I have a lot of sympathy for Ms. Lee's comments about her privacy. I wonder what you might suggest that would prevent your guests from getting onto her property? Can you post signs or information that would discourage them?

JOHN VANDERHART: Yes. And the site has a number of natural barriers. There is a draw through the property that goes up towards Betasso; it's extremely steep; it would be difficult for anyone to cross. The County has proposed a trail through that draw, to attach to Betasso, and there I can understand her concerns. But on our side of the road, we have about 14 1/2 acres and the majority of that is directly behind the lodge. And we are not encouraging anybody to take pack trips up through the property. We are going to be providing bicycles for people to use the bike path, because we feel that's a great addition to the lodge. We will not encourage them to cross our property, to take a chance of falling, to get over to Ms. Lee's property. The Moose Lodge has been a neighbor of hers for 30 years and I don't think trespassing or littering have been a problem, just because it is so difficult to get onto her property from the lodge. The buildings are about 1/2 mile apart, and are not in view of each other. I don't want you to think we're insensitive to her concerns, because we're very concerned, and I would like to work with her on signage, or whatever it takes. We don't want our guests turning down her driveway; we want them to end up at our lodge. Anything we can do to make that better, we'll do.

ROSI KOOPMANN: In response to Sara Lee's question about changing the Special Use: it is specific to the application. Any ownership change would have to meet the same requirements as approved. If they proposed significant changes, that would require an amendment, which would go through a similar public hearing process. Regarding the parking for large events: the majority of the parking area historically used is in the state highway right-of-way. And while the State Highway Dept. has given the applicant permission to use it now and in the near future, at some point they may want to use that right-of-way, so staff is concerned about allowing parking there as part of the Special Use approval. The State Highway Dept. indicates no problem with the drainage.

ROB HELMICK: Regarding fire protection: a literal reading of the regulations doesn't suggest that sprinklers are required for this application. That's why the Staff Recommendation came to you that way. Ms. Hanson makes a compelling argument that the services/facilities, and/or the public health/safety/welfare standard in the criteria for Special Review approval give you the opportunity to condition the approval on requiring sprinklers. It is my recommendation that you can, based on those two standards, include a condition requiring sprinklers. I'm not entirely comfortable with the applicant's suggestion that we leave it open to negotiation. It would be far preferable to propose the standard or some suitable alternative agreed upon by County, fire department and applicant.

JIM MARTINSEN: In this letter from Mr. Vanderhart's engineer, he says there's a 3/4" water tap available at 180 psi, which is adequate to supply 2" lines without reduced pressure. It infers that it's capable of providing 46 gallons per minute at reduced pressure, but it seems to me that's impossible. What is the normal flow through a 3/4" water line?

JOHN VANDERHART: What he is suggesting we do with the water line -- since the City insists they will not increase the tap size and since the tap is directly on the 20" water main -- is go to

a 2" pipe immediately out of the tap. Since the area of restriction will only be about 1.5 ft. long, he's saying the flow will not be significantly reduced. The 180 psi flow will be reduced, but as the pressure is decreased, we'll have more flow through there, or a reduction in pressure with an increase in flow. He has based that on the state tables, which he says are conservative figures.

JIM MARTINSEN: How much water will go through a 3/4" water tap?

MARGARET HANSON: They're going to use about 30 gpm. From what you've quoted and what John said, it all is consistent. The reason you get very reduced flow through a 3/4" line is friction. One of the suggestions I would make is upping the pipe diameter so he doesn't get the turbulence from friction which reduces the flow. If he went through a 3/4" line for 200 ft., he'd be lucky to get 5 gpm out of the end. In order to run the sprinkler system, that's exactly what he would do: go to a large line for the greatest portion of the distance, reduce it back to a 3/4" or 1" line in order to up the pressure to power the heads.

B.J. MILLER: Is the upshot of your answer that you feel the sprinkler systems you're requesting would work satisfactorily even though the City is unwilling to give a larger tap?

MARGARET HANSON: I am not a sprinkler engineer. But my guess is yes. It may take some engineering, like increasing the size of the line in. Push comes to shove, he sticks a water tank up on the hill that automatically feeds. There are a number of ways that are not overly outrageous to make this thing go.

B.J. MILLER: On the nonconforming use, my understanding is if you request changing that, at that point the old nonconforming use dies.

ROB HELMICK: You may be mixing apples and oranges a little. At the time a nonconforming use becomes a conforming use, which is what this request attempts to do, the nonconforming use ends and cannot be replaced once the conforming use is approved. However, it's a nonconforming structure with respect to setbacks, and any physical conditions which increase the square footage in the setbacks will require a variance from the Board of Adjustment (a separate action from a separate body). So there are two issues of nonconformity associated with this property.

B.J. MILLER: If the requested Special Use is approved, then the use made of this as the Moose Lodge becomes irrelevant? So we have no obligation to allow anything except what is allowed in Forestry Zoning District, which staff has interpreted to be a bed and breakfast resort lodge, but not special functions or restaurants?

ROB HELMICK: Once approved and established, they lose their nonconformity; but they don't lose it by applying. The history of nonconformity is nothing but a ruling stick that you can use to compare, if you choose to, this proposed use.

B.J. MILLER: We have no obligation to approve anything to do with large events just because that happened in the past?

ROB HELMICK: Correct.

CLOSE PUBLIC HEARING

**MOTION: JIM MARTINSEN MOVED APPROVAL of Docket SU-90-4 as recommended with four conditions, plus the two conditions relating to fire protection requested by the Four Mile Canyon FPD.
NATALI STEINBERG SECONDED.**

SAM FITCH: I support the motion. The additional uses beyond the bed and breakfast raise traffic and parking issues for which there is insufficient data. I would encourage the applicant, if he wishes to pursue either, to come back for an amendment to the Special Use, rather than for rezoning.

{Tape 5}

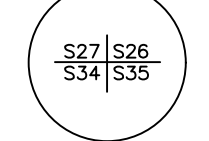
It's not clear to me at this time that a Business or Commercial designation would be appropriate for this site. That would pose greater issues. But I would be willing to entertain a large events use, provided it was sufficiently documented that we could park with safety, handle this volume of people. Just because this number or greater numbers of people have been there in the past doesn't adequately satisfy the data and evidence necessary for us to say we've met the approval criteria for uses beyond a 12-room bed and breakfast.

VOTE: Docket SU-90-4 APPROVED UNANIMOUSLY as amended.

N1/4 COR. SEC. 34
FOUND 4"x8"x14" STONE

N1/16, NE1/4 SEC. 34
NOT FOUND OR SET

NE COR. SEC. 34
FOUND 2" PIPE WITH 2 1/2" ALUMINUM CAP MARKED:



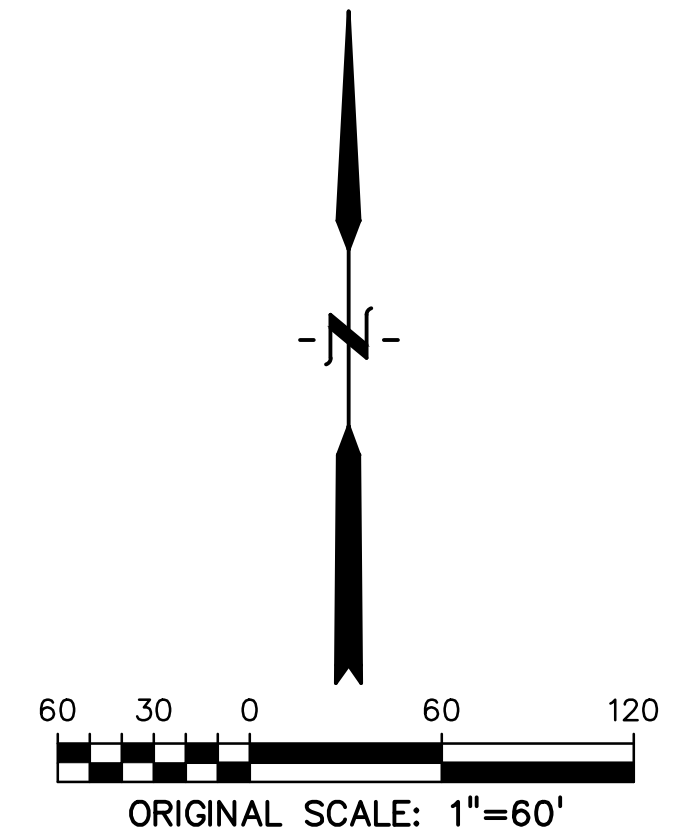
TΔ= 157°47'
TS= 1677.8
ΔC= 139.47
ΔS= 9°00'
LS= 100.00'

TΔ= 131.42'
TS= 786.4
ΔC= 104.24
ΔS= 13°30'
LS= 150.00'

PARCEL A
AREA = 7.8 ACRES

PARCEL B
AREA = 6.2 ACRES

CLEAR WATER PLACER
NO. 6842
BOOK 113, PAGE 501



ORIGINAL SCALE: 1"=60'

LEGEND

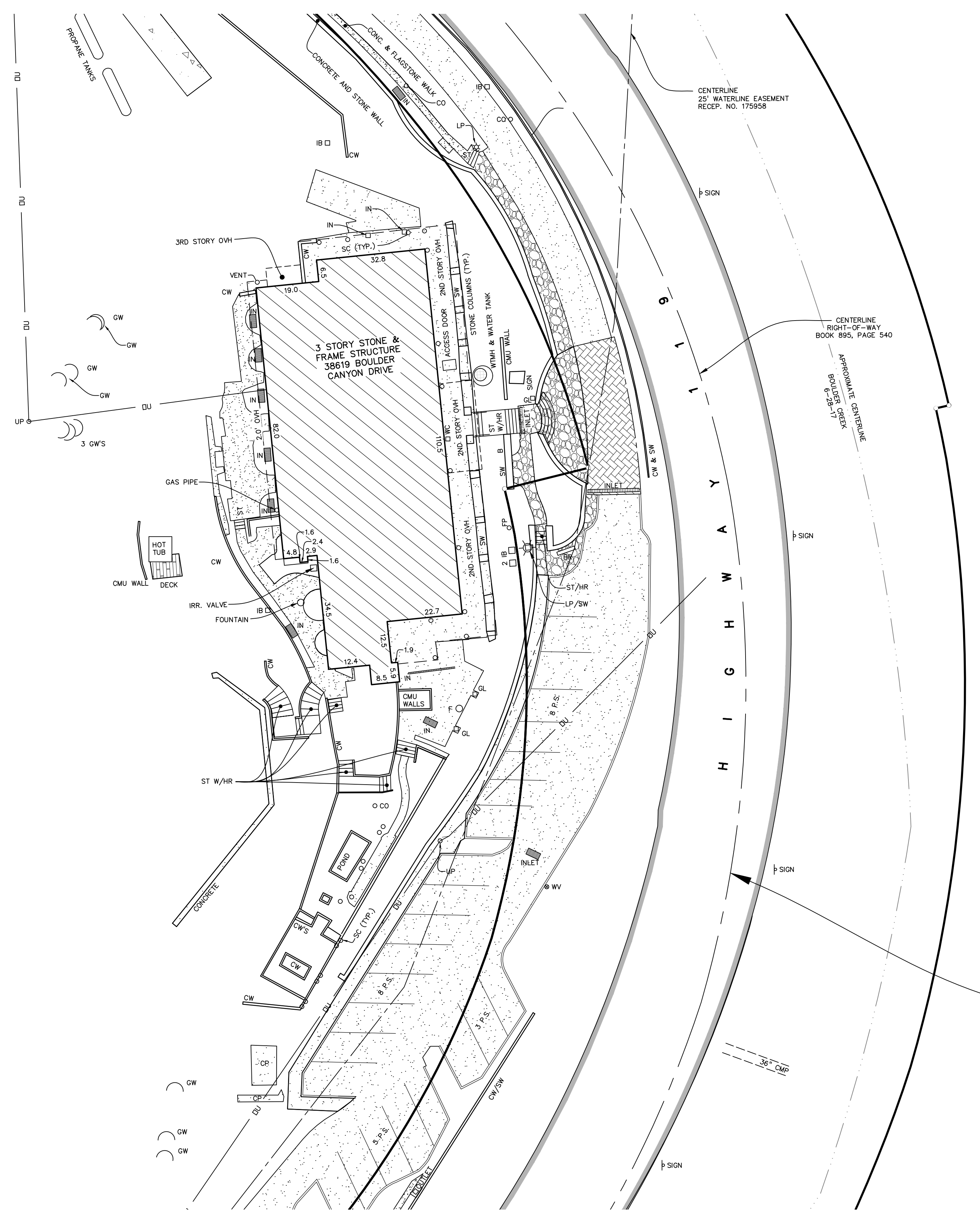
- B. BENCH
 - BR. BIKE RACK
 - C & G. CURB & GUTTER
 - CMP. CORRUGATED METAL PIPE
 - CMU. CONCRETE MASONRY UNIT
 - CO. CLEANOUT
 - CP. CONCRETE PAD
 - CW. CONCRETE WALL
 - EV. ELECTRIC VAULT
 - F. FOUNTAIN
 - FP. FLAG POLE
 - GL. GROUND LIGHT
 - GP. GUARD POST
 - GW. GUY WIRE
 - HR. HANDRAIL
 - IB. IRRIGATION BOX
 - IN. INLET
 - LP. LIGHT POLE
 - MH. MANHOLE
 - OVH. OVERHANG
 - PS. PARKING SPACE
 - RCP. REINFORCED CONCRETE PIPE
 - SC. STEEL COLUMN
 - ST. STAIRS
 - SW. STONE WALL
 - UP. UTILITY POLE
 - WTMH. WATER MANHOLE
 - WC. WOOD COLUMN
 - WV. WATER VALVE
 - OU. OVERHEAD UTILITIES
- CONCRETE
 - GRAVEL
 - FLAGSTONE
 - EDGE OF ASPHALT

IMPROVEMENT SURVEY PLAT OF A TRACT OF LAND LOCATED IN THE NE1/4 SECTION 34, T1N, R71W OF THE 6TH PM. COUNTY OF BOULDER CITY OF BOULDER STATE OF COLORADO. FOR: JOHN COONEY

IN ACCORDANCE WITH CRS 13-80-105, NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
1800 38TH STREET BOULDER COLORADO 80301 (303) 442-4338
BOULDER, COLORADO (303) 442-4338
COLORADO SPRINGS, COLORADO (719) 260-0887
GREELEY, COLORADO (970) 351-0645

Revisions - Date	Date	Drawn By	Job No.
	6-28-17	JRF	5405-2
		Checked By	Drawing No.
		MES	B88-87A



GENERAL NOTES

1. THE BASIS OF BEARINGS IS THE NORTH LINE OF THE NE1/4 OF SECTION 34, BEING MONUMENTED AS SHOWN HEREON, WITH THE LINE ASSUMED TO BEAR N89°50'11"W.
2. SET 2" ALUMINUM CAPS STAMPED "DB & CO. LS 27275" AT ALL EXTERIOR BOUNDARY CORNERS OF THE SUBJECT PROPERTY UNLESS OTHERWISE NOTED.
3. DREXEL BARRELL & CO. RELIED UPON TITLE COMMITMENT NO. ABZ70543044, ISSUED BY LAND TITLE GUARANTEE COMPANY, WITH AN EFFECTIVE DATE OF MAY 23, 2017 FOR ALL INFORMATION REGARDING THE LEGAL DESCRIPTION, EASEMENTS AND RIGHTS-OF-WAYS.
4. THE LEGAL DESCRIPTION STATES "THE CENTER LINE OF SAID MIDDLE BOULDER CREEK, FOLLOWING THE MEANDERINGS OF SAID CREEK TO A POINT 300 YARDS FROM THE POINT OF BEGINNING," THE CALL OF 300 YARDS WAS ESTABLISHED UTILIZING PREVIOUS INFORMATION CONTAINED IN A SURVEY BY DREXEL, BARRELL & CO., DATED APRIL 24, 1954. THIS SURVEY WAS UTILIZED BECAUSE IT CONTAINED THE HISTORIC LOCATION OF THE CREEK.
5. THE AREA OF THE SUBJECT PROPERTY IS APPROXIMATE DUE THE RIGHT OF WAY SHOWN HEREON IS DESCRIBED BY SPIRAL CURVES, THEREFORE AN EXACT ACREAGE CANNOT BE DETERMINED.
6. ALL TIES TO THE RECORD TITLE LINES FROM THE IMPROVEMENTS SHOWN HEREON ARE PERPENDICULAR TO THE RECORD TITLE LINES.
7. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 C.R.S.
8. BURIED UTILITIES AND/OR PIPE LINES ARE SHOWN PER VISIBLE SURFACE EVIDENCE OR AS-BUILT DRAWINGS OF THE CONSTRUCTED UTILITY LINES. IF ANY UNDERGROUND UTILITY LOCATIONS ARE REQUIRED, THEY WILL HAVE TO BE VERIFIED BY FIELD POT-HOLING THE UTILITIES. DREXEL, BARRELL & CO. AND THE SURVEYOR OF RECORD SHALL NOT BE LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES.
9. EASEMENTS AND PUBLIC DOCUMENTS SHOWN OR NOTED HEREON WERE EXAMINED AS TO LOCATION AND PURPOSE AND WERE NOT EXAMINED AS TO RESERVATIONS, RESTRICTIONS, EXCLUSIONS, CONDITIONS, OBLIGATIONS, TERMS OR AS TO THE RIGHT TO GRANT THE SAME.
10. THE LINEAL UNITS SHOWN HEREON ARE US SURVEY FEET.
11. THE LAST FIELD INSPECTION OF THE SITE WAS ON JUNE 30, 2017.
12. THIS SURVEY UTILIZED THE SECTION BREAKDOWN PREPARED BY DREXEL, BARRELL & CO. SURVEY NO. LS-95-0197 ON FILE WITH THE BOULDER LAND USE DEPARTMENT.

TITLE COMMITMENT NOTES

THE PROPERTY AS SHOWN HEREON IS SUBJECT TO THE FOLLOWING PER TITLE COMMITMENT NO. ABZ70543044, ISSUED BY LAND TITLE GUARANTEE COMPANY, WITH AN EFFECTIVE DATE OF MAY 23, 2017, NOT ALL EXCEPTIONS CONTAINED WITHIN THIS TITLE COMMITMENT ARE NOTED BELOW AND NOT ALL THE EXCEPTIONS LISTED BELOW ARE SHOWN HEREON.

1. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED SEPTEMBER 21, 1907 IN BOOK 59 AT PAGE 531.
2. EASEMENT, IF ANY, IN CONNECTION WITH THE CITY OF BOULDER PIPE LINES CROSSING A PORTION OF LOT 3, SECTION 34, TOWNSHIP 1 NORTH, RANGE 71 WEST AS DISCLOSED IN LEASE RECORDED JULY 9, 1910 IN BOOK 337 AT PAGE 131.
3. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT AND RIGHT-OF-WAY RECORDED MAY 07, 1976 UNDER RECEPTION NO. 175958.
4. LEASE BETWEEN JOHN R. VANDERHART, JEANNINE T. VANDERHART, JUDITH A. RUZICKA AND RALPH R. RUZICKA, LESSORS, AND VANDERHART'S BRISTLECOONE INN, LESSEE, AS SHOWN BY MEMORANDUM OF LEASE RECORDED APRIL 04, 1991, UNDER RECEPTION NO. 1095653. NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.
5. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DEVELOPMENT AGREEMENT RECORDED JUNE 25, 1991 UNDER RECEPTION NO. 1111960.
6. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT RECORDED JANUARY 19, 1995 UNDER RECEPTION NO. 1493188.
7. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF MIDDLE BOULDER CREEK.

LEGAL DESCRIPTION

LOT 3 OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO,

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE CENTER LINE OF MIDDLE BOULDER CREEK INTERSECTS THE NORTH LINE OF SAID LOT 3; THENCE SOUTHERLY TO THE CENTER LINE OF SAID MIDDLE BOULDER CREEK, FOLLOWING THE MEANDERINGS OF SAID CREEK TO A POINT 300 YARDS FROM THE POINT OF BEGINNING; THENCE DIRECTLY EAST TO THE EAST LINE OF SAID LOT 3; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 3 TO THE NORTHEAST CORNER THEREOF; THENCE W ALONG THE NORTH LINE OF SAID LOT 3 TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION THEREOF KNOWN AS THE CLEAR WATER PLACER AS DESCRIBED IN LOCATION CERTIFICATE RECORDED JULY 29, 1891 IN BOOK 140 AT PAGE 27 AND FURTHER CONVEYED TO THE CITY OF BOULDER BY DEED RECORDED MAY 8, 1891 IN BOOK 113 AT PAGE 591.

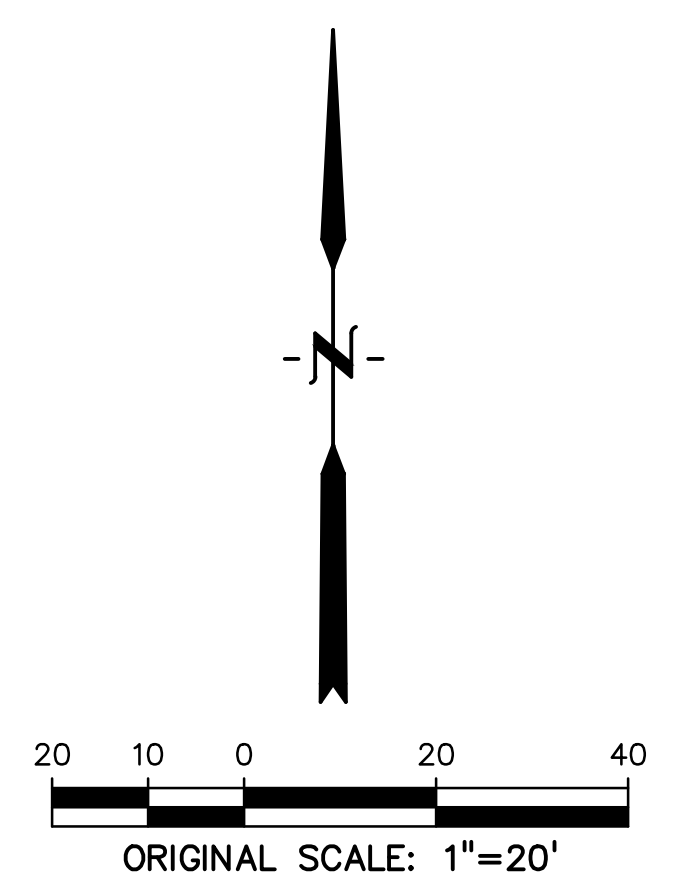
EXCEPT THAT PORTION THEREOF CONVEYED TO THE COUNTY OF BOULDER FOR STATE HIGHWAY 119 BY DEED RECORDED OCTOBER 30, 1951 IN BOOK 895 AT PAGE 540.

SURVEYOR: MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, COLORADO 80301
(303) 442-4338

CERTIFIED TO: JOHN T. COONEY
LAND TITLE GUARANTEE COMPANY
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

I HEREBY CERTIFY THAT THIS IMPROVEMENT SURVEY PLAT WAS MADE UNDER MY DIRECT RESPONSIBILITY, SUPERVISION, AND CHECKING ON THE 30TH DAY OF JUNE, 2017, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 38-51-102(9), C.R.S., AS AMENDED; THAT THE REAL PROPERTY SURVEYED IS LOCATED IN THE COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS SHOWN ON THE ACCOMPANYING MAP; THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF; THIS MAP OR PLAT OF THE SURVEY CORRECTLY AND ACCURATELY SHOWS THE RECORD TITLE LINES AND THE LOCATIONS OF VISIBLE AND ABOVE GROUND BUILDINGS, IMPROVEMENTS, EASEMENTS, STREETS AND RIGHTS-OF-WAY IN EVIDENCE OR KNOWN TO ME, AND VISIBLE AND ABOVE GROUND ENCROACHMENTS BY OR ON THE PREMISES ARE ACCURATELY SHOWN.

IN ACCORDANCE WITH THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2, THE UNDERSIGNED FURTHER CERTIFIES THAT THIS MAP OR PLAT REFLECTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY RESPONSIBLE CHARGE, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, WAS PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.



LEGEND

B.	BENCH
BR	BIKE RACK
C & G.	CURB & GUTTER
CMP.	CORRUGATED METAL PIPE
CMU	CONCRETE MASONRY UNIT
CO.	CLEANOUT
CP.	CONCRETE PAD
CW.	CONCRETE WALL
EV.	ELECTRIC VAULT
F.	FOUNTAIN
FP.	FLAG POLE
GL.	GROUND LIGHT
GP.	GUARD POST
GW.	GUY WIRE
HR.	HANDRAIL
IB.	IRRIGATION BOX
IN.	INLET
LP.	LIGHT POLE
MH.	MANHOLE
OVH.	OVERHANG
PS.	PARKING SPACE
RCP.	REINFORCED CONCRETE PIPE
SC.	STEEL COLUMN
ST.	STAIRS
SW.	STONE WALL
UP.	UTILITY POLE
WTMH.	WATER MANHOLE
WC.	WOOD COLUMN
WV.	WATER VALVE
OU.	OVERHEAD UTILITIES

	CONCRETE
	GRAVEL
	FLAGSTONE
	EDGE OF ASPHALT

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FOR: JOHN COONEY

IN ACCORDANCE WITH CRS 13-90-105, NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

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Revisions - Date	Date	Drawn By	Job No.
	6-28-17	JRF	5405-2
	Scale	Checked By	Drawing No.
	1" = 20'	MES	B88-87

MATHEW E. SELDERS
COLORADO LICENSED PROFESSIONAL
LAND SURVEYOR NO. 27275

From: [Elizabeth Leder](#)
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] Fwd: Safety-Alps Inn- 38619 Boulder canyon Dr
Date: Friday, July 22, 2022 2:37:03 PM

Pete,

Below, please find a small paragraph about the safety issues we spoke about last week. Please feel free to reach out to Edwin if you have more questions.

Thanks,

Please excuse any typos.

Sent from my iPhone

Elizabeth M. Leder, Esq. | Vice President

SVN | Denver Commercial

414 14th St. Suite 100 | Denver, CO 80202

O: [720.575.9109](tel:720.575.9109) | M: [720.840.3960](tel:720.840.3960)

liz.leder@svn.com | www.svnco.com



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Begin forwarded message:

From: Edwin Alvarado <edwin.alvarado@sandstonecare.com>
Date: July 22, 2022 at 12:26:24 PM MDT
To: Elizabeth Leder <liz.leder@svn.com>
Subject: Safety

Liz,

I know Pete needed clarification on safety. We would not allow the kids to use any of the front entrances. Our staffing allows us to have eyes on the kids at all times. We have an overall comprehensive safety plan for Sandstone that covers all aspects of safety and supervision for the kids. Kids are checked on every 15-30 mins depending on level of care. A staff member will always accompany the kids as they have movement thru-out the site.

We would not allow any activities near the road as well due to safety of clients and staff. At all of our inpatient centers all activities are done at the back of our sites to allow for privacy and safety.

Hopefully that can clear things up for them

Thanks,

Edwin Alvarado
Director of Facilities and Compliance
Sandstone Care
Admissions: (720) 526-0480
Office: (719) 284-2231
Cell: (719) 963-1923
Fax: (719) 284-2231
www.SandstoneCare.com

Edwin Alvarado



Facility Expansion and
Compliance Director
Sandstone Care
Direct/Fax:
Admissions:

www.SandstoneCare.com



Banner

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From: [Ed Byrne](#)
To: [L"Orange, Pete](#); [John Vanderhart](#)
Cc: [Marcello La Rocca](#); [Elizabeth Leder](#); harmon@frascona.com
Subject: [EXTERNAL] [REVISED 8/17/22]: Transfer of Alps Boulder Canyon Inn Special Use Permit (Res. No. 90-227) to Sandstone Care Colorado, LLC, is a minor modification
Date: Wednesday, August 17, 2022 5:46:02 PM

[Peter – I sent you my comments yesterday before receiving some helpful comments from others to whom I had sent an initial draft. I have incorporated the recommended changes and ask that you delete the comments I sent you yesterday and substitute the following as my final submittal. I hope you find it helpful ...]

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail (to enable him to correct the error) and destroy all copies of the original message. Thank you.

Dear Peter,

On August 28, 1990, the Boulder County Commissioners conditionally approved Resolution 90-227, docket #SU-90-4 (Boulder Canyon Inn), “a special use permit and site specific development plan for a 12-room bed and breakfast resort lodge, including a restaurant open to the general public for up to 50 persons, and for large special events for up to 200 people.” Resolution No. 90-227, page 1. For thirty (30) years, the Alps Boulder Canyon Bed and Breakfast has operated the bed and breakfast resort lodge located at 38619 Boulder Canyon Drive (the “Alps”) pursuant to that approval.

I represent the owner and operator of the Alps Boulder Canyon Inn, John Vanderhart and Vanderhart Real Estate, LLC. John is ready to move on, after persevering through the dual challenges of the COVID-19 pandemic and construction of the Boulder Canyon Trail Extension project (the “Bike/Ped Path”). He may have found the perfect replacement use: the Sandstone Care Colorado, LLC, Group Care Facility (the “Applicant”).

When compared to the special use approved in 1990, transition to Sandstone’s proposed group care facility will represent “a change which does not result in increased impacts or a greater intensity of either the uses of the development or in the activity under consideration.” LUC §18-178B, Minor Modification. Sandstone has confirmed that no additional construction or modifications are necessary to replace the Alps special use that was approved thirty years ago. Moreover, the typical impacts associated with the regular turnover and vacation-oriented clientele of the resort lodge are obviated completely by the group care home environment and staff/patient ratio and relationships. No changes are sought which “significantly (alter) the impacts and/or character of (the Alps) structure, development, or activity.” LUC §18-207, Substantial Modification.

In contrast to the current bed and breakfast use, the operational characteristics of the proposed Sandstone Care Colorado, LLC, Group Care Facility (“Sandstone”) are more predictable and less impactful. Guests of the Alps visit for short periods of time, usually without prior experience of the site’s constraints. Although the Alps staff cautions guests to watch for potential bike/pedestrian conflicts, they are humans on vacation and their habits may not always meet the challenge. The guests are often unfamiliar with the potential for collisions, and cyclists on the path seem to be similarly unaware as they travel the Bike/Ped Path. The risk is real and hard to contain. In addition, the guests seek to enjoy the many off-site recreational and cultural amenities to be found in Boulder County. The guests’ trips in and out occur randomly, but often during peak traffic periods, creating road congestion and the potential for additional vehicular conflicts.

Sandstone, on the other hand, would have employees rotating twelve-hour shifts every day at 7:00am and 7:00pm, outside of peak vehicular traffic periods. Staff arrivals and departures also would not coincide with high traffic periods on the Bike/Ped Path. And unlike the tourists who stay at the bed and breakfast, Sandstone staff would grow accustomed to checking for potential bike and pedestrian conflicts because they will become familiar with sight lines and risky cycling behaviors which occur on the Bike/Ped Path, increasing safety for all users.

Patients would be sequestered on site during their treatment. The restaurant would only serve patients and staff and would not be open to the general public. No special events would occur on site.

LUC §4-603, Modification of a Special Review Approval, states that the Director “shall consider the record of the special use approval, including any express conditions, limitations, or agreements governing the approved special use and the nature, character, and extent of the land use impacts of the approved use.” LUC §4-603(B). A presumption of substantiality may be made where “structural additions ... exceed stated square footage limitations, and changes to express conditions or agreements (are requested, or) ... the nature, character, and/or extent of the land use impacts of the development or activity (are to be significantly altered).” *Ibid.* Here, there are no additions proposed, and to the extent that there would be alterations to the activities at the site, they will be reduced. When compared to the existing bed and breakfast use, with its 50-person restaurant open to the general public and large special events for up to 200 people, the Sandstone group care home clearly constitutes only a “minor” modification. Sandstone would significantly reduce the “land use impacts” by discontinuing the restaurant and special event activities, while regularizing staff shift changes and sequestering the residents in treatment – they won’t be part of the daily traffic patterns at all.

When Resolution 90-227 was approved in 1990, concerns were focused on the sewage disposal system and food service facility, along with CDOT access permit requirements, site plan and development agreement provisions, upgrades to access to meet UBC standards, and installation of an NFPA 13D-equivalent (or greater) sprinkler system. These conditions have been met. The proposed Sandstone group care home would benefit from all these conditions of approval, without requiring any additional adjustments.

The above considered, my client urges the Director to determine that the requested modification is minor and that the request may be approved. Such approval should not require a special use amendment process. LUC §4-603(A)(1). If the Director believes there are any necessary clarifications or conditions, we are confident the Applicant can and will be able to address them effectively.

If you have any questions, please don’t hesitate to contact me, and thank you for your consideration in this matter.

Ed Byrne
ED BYRNE, PC
2305 Broadway
Boulder, CO 80304-4106
Work: (303) 447-2555
Fax: (303) 449-2198
Cell: (303) 478-8075
e-mail: edbyrne@smartlanduse.com
web site: www.smartlanduse.com

From: [Harmon W. Zuckerman](#)
To: [L'Orange, Pete](#)
Subject: [EXTERNAL] RE: follow up on Alps SU-22-0008
Date: Friday, October 21, 2022 3:29:30 PM

Dear Pete,

Thanks for your response. Looking forward to hearing the results of the internal staff decision.

To help you in your analysis, we can give you a quick answer to your question regarding handicapped parking and access. On the east half of the north side of the building is an area which is well-suited to provide both a handicapped parking space and access to the main floor. This area is level, accessible via the north driveway, and provides proximity to a door which can be accessed via an ADA-compliant ramp which would not have to be of too great a length. The applicant would offer such a plan to accommodate ADA access.

Best,
Harmon

From: L'Orange, Pete <plorange@bouldercounty.org>
Sent: Thursday, October 20, 2022 1:22 PM
To: Harmon W. Zuckerman <harmon@frascona.com>
Subject: RE: follow up on Alps SU-22-0008

The site visit has happened, and it will be going to internal staff meeting next week. Depending on what happens there, we'll then know next steps.

One question that has come up is ADA parking and access. I know there aren't any handicap spaces in the main parking lot and no ADA ramps on that side. What are the plans for providing ADA parking and access?

Thanks!

Pete L'Orange | Planner II
Boulder County Community Planning & Permitting

From: Harmon W. Zuckerman <harmon@frascona.com>
Sent: Wednesday, October 19, 2022 3:47 PM
To: L'Orange, Pete <plorange@bouldercounty.org>
Subject: [EXTERNAL] RE: follow up on Alps SU-22-0008

Dear Pete,

Thanks for getting in touch with me. I am writing to let you know that the transaction whereby my client is going to potentially purchase the Alps is contingent upon the County completing its review and allowing the change of use. The parties in the contract would appreciate the County's prompt action in this matter.

When we last spoke, you were going to perform your site visit and get the application in front of the Development Review Team in mid/late-September, and then we were hoping for the Board to take up the determination question at a business meeting in mid/late-October. When you have a moment, would you please update this timeline? Thank you.

Best,
Harmon



Harmon Zuckerman, Esq.
4750 Table Mesa Drive, Boulder, CO 80305
tel 303-494-3000 | direct 303-539-9221 | fax 303-494-6309
harmon@frascona.com www.frascona.com

Please note, we will never send you wiring instructions via email.

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From: L'Orange, Pete <plorange@bouldercounty.org>
Sent: Tuesday, October 18, 2022 10:24 AM
To: Harmon W. Zuckerman <harmon@frascona.com>
Subject: RE: follow up on Alps SU-22-0008

I'm sorry Harmon –Outlook was apparently doing something weird and your messages were getting automatically marked as “Read” so I wasn't actually seeing them. Summer let me know you reached out to her, so I think I got things straightened out and we shouldn't have this problem any more. I am still working on the review for this, trying to get information from other departments and agencies to let us make the final call, but I'm hoping we'll be able to get this wrapped up shortly here. I appreciate your patience!

Pete L'Orange | Planner II
Boulder County Community Planning & Permitting

From: Harmon W. Zuckerman <harmon@frascona.com>
Sent: Monday, October 10, 2022 3:05 PM
To: L'Orange, Pete <plorange@bouldercounty.org>
Subject: [EXTERNAL] RE: follow up on Alps SU-22-0008

Dear Pete,

Please let me know if you are receiving my e-mails. I have written twice in the past three weeks or so (Sept. 16 and Oct. 4) without a reply. Thanks in advance for your response.

Best,
Harmon



Frascona Joiner
Goodman & Greenstein PC
ATTORNEYS AT LAW

Harmon Zuckerman, Esq.

4750 Table Mesa Drive, Boulder, CO 80305
tel 303-494-3000 | direct 303-539-9221 | fax 303-494-6309
harmon@frascona.com www.frascona.com

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From: Harmon W. Zuckerman
Sent: Tuesday, October 4, 2022 4:14 PM
To: L'Orange, Pete <plorange@bouldercounty.org>
Subject: follow up on Alps SU-22-0008

Dear Pete,

I just checked Accela and saw that the field visit and the DRSM are still marked TBD. Would you give me a status update when you have a moment? Thanks.

Best,
Harmon



Frascona Joiner
Goodman & Greenstein PC
ATTORNEYS AT LAW

Harmon Zuckerman, Esq.

4750 Table Mesa Drive, Boulder, CO 80305
tel 303-494-3000 | direct 303-539-9221 | fax 303-494-6309
harmon@frascona.com www.frascona.com

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From: Harmon W. Zuckerman
Sent: Friday, September 16, 2022 3:40 PM

To: L'Orange, Pete <plorange@bouldercounty.org>

Subject: Alps

Dear Pete,

I see that the deadline for referral comments passed on 9/9, and only two new referral responses came in on or before that date (Wildfire Partners and Parks & Open Space). Were you able to perform your site visit, and are we still on track to have the application reviewed at the September 21st Development Review Team weekly meeting? Just checking in, and thanks.

Have a good weekend.

Best,
Harmon



Harmon Zuckerman, Esq.

4750 Table Mesa Drive, Boulder, CO 80305
tel 303-494-3000 | direct 303-539-9221 | fax 303-494-6309
harmon@frascona.com www.frascona.com

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Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
 303-678-6200 • POSinfo@bouldercounty.org
 www.BoulderCountyOpenSpace.org

TO: Pete L'Orange, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: September 15, 2022
SUBJECT: Docket SU-22-0008, Alps Inn, 38619 Boulder Canyon Drive

Site Conditions

I have reviewed the submitted materials, and have visited the parcel several times in the past. Overall, most of the 12-acre parcel is in ponderosa pine forest and woodland, and most of it is undeveloped. However about 700 linear feet along the edge of the highway is heavily developed with existing structures, utilities, parking, and circulation. Some of these developments are within the state right-of-way.

Staff notes that the parcel is divided into two sub-parcels, of about 6 acres each. The sub-parcel on the east side of the creek has no developments and would not be impacted. Most of the creek segment here is located with the state right-of-way.

County Comprehensive Plan Designations

The parcel has the following designations in the Boulder County Comprehensive Plan, and from other resource inventories.

- View Protection Corridor – associated with Boulder Canyon Drive/SH 119
- High Biodiversity Areas – Boulder Foothills and Betasso, ranked B2 and B3, respectively
- Natural Area Buffer – Boulder Mountain Park, on eastern portion only
- Riparian Area
- Riparian Habitat Connector
- Prebles Meadow Jumping Mouse Habitat – foothills perennial stream
- Adjacent to Public Lands – OSMP and POS, on east and north, respectively
- Floodplain
- Archeologically Sensitive Area and Travel Route

Discussion

Although the parcel carries numerous natural resource designations in the Comprehensive Plan, staff does not see significant resource impacts from the proposal. Staff largely agrees with the application's premise that the change in use will primarily be a change in character rather than substance. This should result in any future resource impacts being very similar to the current impacts. None of the above-listed resources should be significantly impacted by the change.

Staff has limited concerns. One is the presence of a large and scattered population of the county/state, List A noxious weed, Japanese knotweed. This has been on-site for many years and likely was originally planted as an ornamental. However, it readily spreads into riparian areas, and Boulder Creek likely has carried propagules downstream to infest other locations.

As a List A species, county regulations require that all populations be eradicated, not simply “controlled.” At this site, it is complicated since some existing stands are within the state right-of-way, in addition to those on the subject parcel. Thus, coordination with the state Department of Transportation is necessary.

The application notes that traffic would be reduced, however some parameters may increase but are not noted. Since the current use is a bed and breakfast, staff assumes that breakfast is the only meal cooked/provided. Full-time occupants would require two additional meals per day, thus increasing kitchen use, food deliveries, and refuse production by up to three times. The application states that no modifications are necessary to the structure, but would the kitchen need expansion or change? The “residency” aspect of the new use, instead of over-nights, would also increase water and sewer needs.

Although the application will be reviewed by the wildfire mitigation team, staff also emphasizes the need for wildfire mitigation and protection given the density of some of the forest stands on the parcel.

What is the purpose of the “pond” and adjacent “frame structure,” as noted on the improvement survey plat? Where is the existing OWTS located?

Recommendations

- A condition of approval should be to eradicate all populations of the List A noxious weed, Japanese knotweed.
- Given the concentrated human use, another condition of approval should be bear-proof garbage containers.
- A safety issue: the basketball hoop appears to be up against the highway. With teen clientele, it would likely get more use and should therefore be moved to a location where errant balls could not enter the highway.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

October 17, 2022

TO: Pete L'Orange, Planner II; Community Planning & Permitting, Development Review Team

FROM: Ian Brighton, Planner II; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # SU-22-0008: Alps Inn Modification
38619 Boulder Canyon Drive

The Development Review – Access & Engineering Team has reviewed the application materials submitted for the above referenced docket and has the following comments:

1. The subject property is accessed via State Highway 119 (SH 119) also known as Boulder Canyon Drive, a Colorado Department of Transportation (CDOT) owned and maintained right-of-way (ROW). Legal access has been demonstrated via adjacency to this public ROW.
2. SU-90-0004 previously approved a 12-room bed and breakfast facility. Materials provided by the applicants propose the conversion of the bed and breakfast to a group care facility serving adolescents suffering from mental health symptoms. The applicants propose to maintain the 12-room capacity and accommodate a maximum of 24 guests at a time.
3. A copy of Colorado Department of Transportation (CDOT) access permit (or other documentation of access permission) for the upper exit access must be included with the building permit application.
4. Materials provided by the applicants indicate no modifications or construction work is proposed to the existing shared pedestrian/vehicle access driveway.
5. Per Article 5.6.5 of the Standards, there shall be accommodations for one bicycle parking space for every 10 automobile parking spaces and the bicycle parking spaces shall be no more than 50 feet from the proposed entrance to the use being served. The applicant should consult with Alexandra Phillips (aphillips@bouldercounty.org), the county's Bicycle Planner, on the appropriate location and rack style for this site.
6. Prior to permit application submittal, a detailed parking plan must be submitted to the Community Planning & Permitting Department for review and approval that shows delineated parking spaces, compliant with ADA parking requirements and the Standards, including without limitation:
 - a. Section 5.6.2 – Parking Lot Design Standards
 - b. Section 5.6.4 – Accessible Parking

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner

- c. ADA Parking Spaces must be labelled on the parking plan and must reflect the appropriate van spaces for the number of total parking spaces for the site (both existing and proposed). The ADA spaces must be sited appropriately to provide convenient access to guest amenities and services.

*****Depending on number of spaces and use- EVSE parking may be required- see [Sec.4-516.W.5.c](#) for EVSE parking requirements***

7. The applicant must ensure nonmotorized access to the shared bike path/vehicle access drive is available to the public at all times.

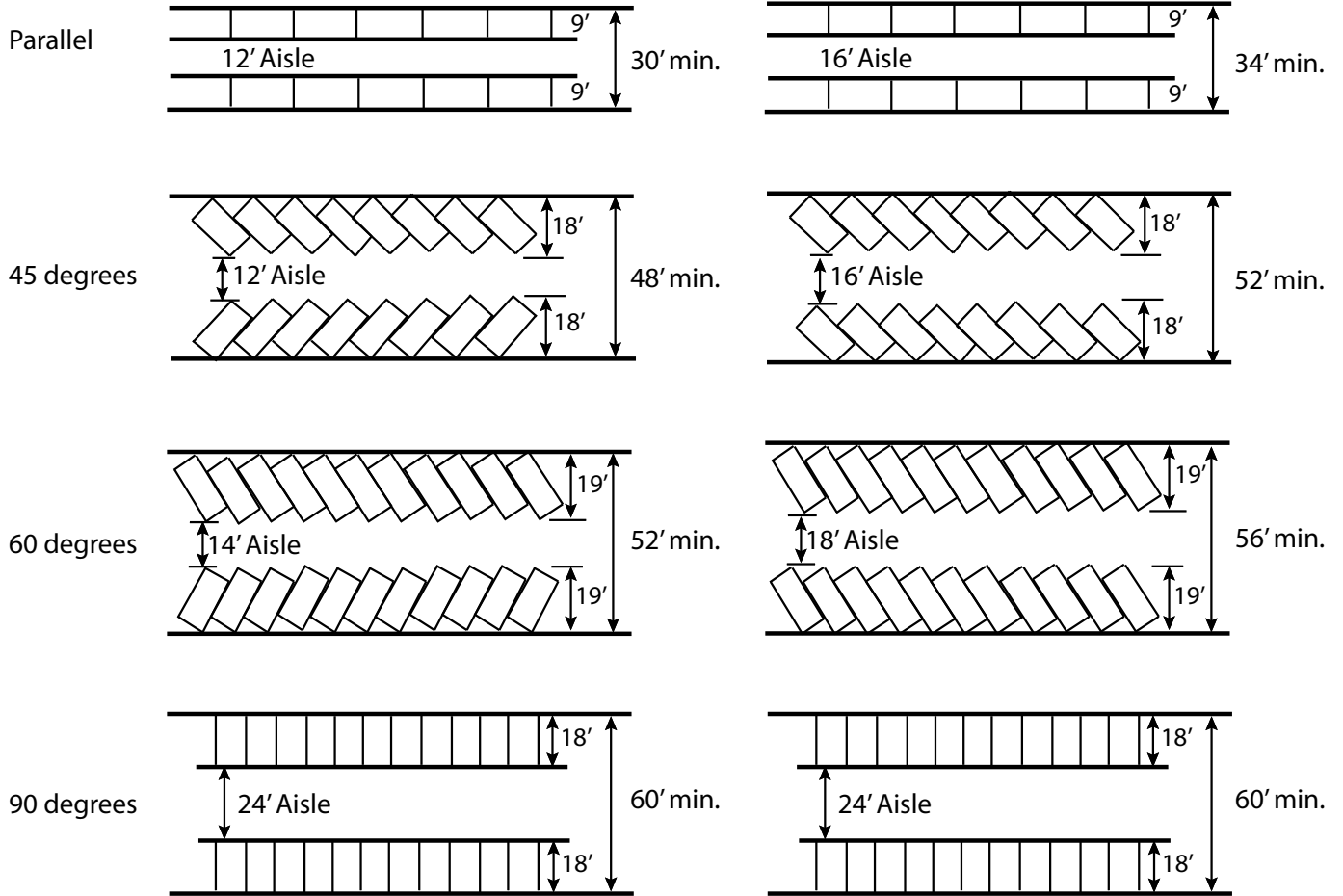
This concludes our comments at this time.

Boulder County Multimodal Transportation Standards

Standard Drawing 1 - Parking Lot Dimensions

One-Way Aisles

Two-Way Aisles



*All parking stalls are assumed to be 9' in width.



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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.BoulderCounty.org

August 8, 2022

To: Pete L'Orange, Planner II
From: Kelly Watson, Floodplain Program Planner

Subject: Docket SU-22-0008: ALPS INN Special Use Modification
Request: Special Use/Site Specific Development Plan review requesting to modify a previous SU/SSDP approval (SU-90-0004) for a Lodging use to convert the existing structure to a Group Care Home.
Location: 38619 Boulder Canyon Road, parcel no. 146134000022, located approximately 0.3 miles west of the intersection of Boulder Canyon Drive and Fourmile Canyon Drive, Section 34, T1N, R71W.

The Community Planning & Permitting Department – Floodplain Management Program has reviewed the above referenced docket and has the following comments:

1. We have no concern with the special use modification. The existing structure is located outside the Floodplain Overlay (FO) District and no development is proposed in the FO District.

Additional Information: A portion of the property is located within the Boulder Creek floodplain and floodway. Any future development within the FO District will require a Floodplain Development Permit and must adhere to requirements of Article 4-400 of the Boulder County Land Use Code.

Please contact Kelly Watson, Floodplain Program Planner, at kwatson@bouldercounty.org or at 720-564-2652 to discuss this referral.

This concludes our comments at this time.



Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

Wildfire Mitigation Team

MEMO

TO: Pete L'Orange, Planner II
FROM: Kyle McCatty, Wildfire Partners
DATE: September 9, 2022
RE: Referral packet for SU-22-0008: ALPS INN Special Use Modification at 38619 Boulder Canyon Drive

Thank you for the referral. We have the following comments for the applicants:

Decades of catastrophic wildfires, research, and case studies have shown that extreme wildfires are inevitable in the forests of Boulder County and across the Western US, but loss of life and homes does not have to be inevitable. The conditions that principally determine if a structure ignites occur within 100 feet of the structure, including the structure itself. That is why Boulder County has such strong wildfire mitigation requirements in our Land Use and Building Code, and why Boulder County encourages all homeowners to voluntarily take responsibility to mitigate their own home's risk of igniting in a wildfire through Wildfire Partners.

Wildfire Mitigation is required; the proposed project is in [Wildfire Zone 1](#) (the foothills or mountains—approximately west of highways 7, 36, or 93) of unincorporated portion of Boulder County. The Boulder County Wildfire Mitigation requirements are composed of site location, ignition-resistant materials and construction, defensible space, emergency water supply, and emergency vehicle access.

There are additional wildfire mitigation requirements associated with the increased risk of loss of life and property from wildfires due to the proposed number of residential units and people to be residing there. The two main additional wildfire mitigation requirements are:

- The property owner will need to obtain a Wildfire Partners certificate to mitigate the property against wildfire
- And the Four Mile Fire Protection District will need to approve an emergency water supply for the property.

Site Location

Site location has been reviewed by a Boulder County Wildfire Mitigation Specialist as part of the Special Use Modification, and no conflicts have been identified.

Ignition-Resistant Materials and Construction

Since the proposed development is located within a potentially hazardous area, all new exterior building materials (including any proposed decking) must be ignition-resistant construction, or better. However, Wildfire Partners may require existing exterior building materials to be replaced with ignition-resistant construction. For additional ignition-resistant construction information,

Deb Gardner County Commissioner

Elise Jones County Commissioner

Matt Jones County Commissioner

please contact the Building Safety & Inspection Services Team at 303-441-3926. For specific requirements, refer to the Boulder County publication: [Building with Ignition Resistant Materials](#). All exterior materials must be clearly noted on the building plans and must be reviewed and approved as “ignition resistant” by the Building Safety & Inspection Services Team.

Defensible Space

Adequate defensible space is required to prevent the spread of fire to and from the structure. This requires limbing and/or removal of trees and shrubs to provide necessary vertical and horizontal fuel separation within a minimum of 100 ft. from the home and within 30 ft. along both sides of a driveway. Where the property boundary limits Zone 2 (at least 100 feet from structures), Zone 1 (a buffer of at least 30 feet free of conifer trees and other highly combustible vegetation immediately surrounding the home, including all attachments and accessory structures within 30 feet) may need to begin at the home’s dripline. More information can be found by referring to the Colorado State Forest Service publication [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#).

Follow the Colorado State University [FireWise Plant Materials – 6.305](#), [Fire-Resistant Landscaping – 6.303](#), and Colorado State Forest Service [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#) publications when choosing plants and designing revegetation and landscaping.

Emergency Water Supply

An emergency water supply is required to aid in the defense of the structures from a wildfire and to assist in firefighting efforts, because of the increased risk of loss of life and property from wildfires, due to the proposed number of residential units and people to be residing there. This may include, but is not limited to, a hydrant on a public water system, a dry hydrant in a local water source, a community cistern, or an individual cistern. Contact Bret Gibson, Chief, and Regina Daly, Fire Marshal, of the Four Mile Fire Protection District for their requirements at 303-449-3333, chiefbret@gmail.com, and reginadaly01@gmail.com. If installing an individual cistern and the Fire Protection District does not have their own installation requirements follow the Boulder County publication: [Emergency Water Supply for Firefighting](#).

Emergency Vehicle Clearance

Emergency vehicle clearance is required to allow for safe ingress and egress of emergency vehicles. Emergency personnel try their best to respond to calls in a timely manner, often while negotiating difficult terrain. Planning for access by emergency vehicles improves safety for homeowners and their families by providing for a more efficient response by firefighters and other emergency personnel arriving on the scene. This is especially important in rural and mountainous areas where response times may be considerably longer than in cities, where emergency services are closer by. For specific clearance related requirements, refer to the Boulder County publication: [Driveway Access for Emergency Vehicles](#).

Timeline

After applying for, but prior to issuance of any permits, a Boulder County Wildfire Mitigation Specialist will contact you to schedule a Wildfire Partners assessment. A Wildfire Partners

Assessment report will then be created which will describe the specific additional ignition-resistant materials and defensible space wildfire mitigation requirements.

Before scheduling rough framing inspections, the defensible space and water supply portion of the plan must be implemented and inspected by the Land Use Department. All trees marked for removal must be cut and all slash, cuttings, and debris must be removed and/or properly disposed. The [Fire Sprinkler or Fire Cistern Approval Form](#) needs to be submitted to the Boulder County Building Safety & Inspection Services at ezbp@bouldercounty.org (or P.O. Box 471, Boulder, Colorado, 80306) after the fire protection district completes the applicable portion of the form. If an individual cistern was required, it must be located on site in an appropriate location (subject to approval by the fire protection district), fitted with an appropriate dry hydrant connection, be filled, and tested by the local fire protection district.

At the time of final inspection, all remaining required items in the Wildfire Partners Assessment report are to be fully implemented and inspected. Ground surfaces within three feet of both existing and new structures, and at least 2 feet beyond the driplines of decks, bay windows, and other eaves and overhangs, must be covered with an allowable non-combustible ground cover over a weed barrier material. The driveway vertical and horizontal vegetation clearance must be in place and conform to the Parcel Access Design Standards in the [Boulder County Multimodal Transportation Standards](#).

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum land use and building code requirements. I can be reached at 720.564.2625 or via e-mail at kmccatty@bouldercounty.org.

From: [Kaiser, Kara](#)
To: [L"Orange, Pete](#)
Cc: [Wilkinson, Jane](#)
Subject: Referral packet for SU-22-0008: ALPS INN Special Use Modification at 38619 Boulder Canyon Drive
Date: Monday, August 8, 2022 9:20:27 AM

Hi Pete, I have reviewed the referral packet for SU-22-0008. If this facility is required to be licensed by Colorado Department of Human Service, a Boulder County child care plan review will be required prior to operation. Here is a link for the child care plan review:
<https://assets.bouldercounty.gov/wp-content/uploads/2017/12/child-care-plan-review-application.pdf>

If this facility is does not require licensing, we do not have any concerns with its operation.

Feel free to contact me if you have any questions,

Kara Kaiser

Environmental Health Specialist
Boulder County Child Health Promotion
Office: (303) 413-7550 Cell: (303) 775-3185
www.bouldercountychp.org





Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Referral Agencies
 FROM: Pete L'Orange, Planner II
 DATE: August 5, 2022
 RE: Docket SU-22-0008

Docket SU-22-0008: ALPS INN Special Use Modification

Request: Special Use/Site Specific Development Plan review requesting to modify a previous SU/SSDP approval (SU-90-0004) for a Lodging use to convert the existing structure to a Group Care Home.

Location: 38619 Boulder Canyon Road, parcel no. 14613400022, located approximately 0.3 miles west of the intersection of Boulder Canyon Drive and Fourmile Canyon Drive, Section 34, T1N, R71W.

Zoning: Forestry (F) Zoning District

Property Owner: John R. Vanderhart c/o Vanderhart Real Estate, LLC

Applicant: Michael Hunter c/o Sandstone Care Colorado, LLC

Agent: Harmon Zuckerman, Esq.

Special Use Review / Site Specific Development Plan is required of uses which may have greater impacts on services, neighborhoods, or environment than those allowed with only Building Permit Review. This process will review compatibility, services, environmental impacts, and proposed site plan.

This process includes public hearings before the Boulder County Planning Commission and the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of these hearings.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information. If you have any questions regarding this application, please contact me at 303-441-1418 or plorange@bouldercounty.org.

Please return responses by **September 9, 2022**.

(Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>).

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed  PRINTED Jessica Fasick

Agency or Address CP&P Historic Review

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner



COLORADO
 Department of Public
 Health & Environment

September 6, 2022

Pete L'Orange, Planner II
 Boulder County
 Community Planning & Permitting
 Courthouse Annex
 2045 13th Street
 Boulder, Colorado 80302

Subject: Docket SU-22-0008: ALPS INN Special Use Modification
 Group Care Home
 ES.22.CASS.07174

Dear Pete L'Orange:

The Water Quality Control Division (division) received a referral from Boulder County Community Planning & Permitting by email on August 5, 2022 for a proposed Special Use Modification to convert an existing lodge into a group care home. As requested, the division has reviewed the proposed Special Use Modifications in accordance with our regulatory authorities and believes that the proposed use may not be supported by the existing on-site wastewater treatment system (OWTS) as proposed. The group care home's population and use appears to generate greater than 2,000 gallons per day (gpd) of domestic wastewater at maximum occupancy. This value is critical for applying specific regulatory requirements and water quality protection measures.

The proposed use appears to require the use of a domestic wastewater treatment works instead of an OWTS. A domestic wastewater treatment works is defined by the Colorado Water Quality Control Act (the "Act"), § 25-8-103(5), C.R.S., as:

"...a system or facility for treating, neutralizing, stabilizing, or disposing of domestic wastewater which system or facility has a designed capacity to receive more than two thousand gallons of domestic wastewater per day."

Further, according to § 25-8-702(1), C.R.S. and § 25-8-501, C.R.S. of the Act, facilities that meet the definition of a domestic wastewater treatment works must comply with the following:

"No person shall commence the construction of any domestic wastewater treatment works or the enlargement of the capacity of an existing domestic wastewater treatment works, unless the site location and the design for the construction have been approved by the division."

"No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article."

The division made this determination based on the information within the Special Use Modification referral, but additional information may be provided for additional consideration. The applicant is encouraged to investigate the following further and work with the division to better understand any outcomes:



1. While the entire facility may generate greater than 2,000 gpd of domestic wastewater, the division has adopted "Site Application Policy 6: Multiple On-Site Wastewater Treatment Systems". This policy may allow the system to continue operating multiple OWTS on the site under certain conditions. At this time, the division cannot determine whether the site may meet the requirements of this policy. The applicant should evaluate this option along with the requirements to install a domestic wastewater treatment works.
2. When flow data is not available or provided with an application/referral, the division uses Regulation 43 On-site Wastewater Treatment Systems Regulation to estimate the per capita wastewater generation. These values are then extrapolated to the maximum occupancy loading. The system may provide additional data supporting wastewater per capita flow estimates from similar facilities and provide the information to the division for review and consideration.

In any case, the division expects that the wastewater concerns be remedied prior to consideration or approval of the Special Use Modification by Boulder County Community Planning & Permitting.

The division appreciates the opportunity to comment. Thank you for the referral request. If you have any questions, please contact me at bret.icenogle@state.co.us or 303-692-3278.

Sincerely,

Bret Icenogle, Section Manager
Engineering Section
Water Quality Control Division
Colorado Department of Public Health and Environment

cc: Chuck Cousino, On-site Wastewater Treatment System Coordinator
David Kurz, Lead Wastewater Engineer



Community Planning & Permitting

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 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Referral Agencies
 FROM: Pete L'Orange, Planner II
 DATE: August 5, 2022
 RE: Docket SU-22-0008

Docket SU-22-0008: ALPS INN Special Use Modification

Request: Special Use/Site Specific Development Plan review requesting to modify a previous SU/SSDP approval (SU-90-0004) for a Lodging use to convert the existing structure to a Group Care Home.

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Agent: Harmon Zuckerman, Esq.

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Please return responses by **September 9, 2022**.

(Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>).

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed Bret Gibson PRINTED Bret Gibson
 Agency or Address Four Mile Fire Protection Dist.

Matt Jones County Commissioner Claire Levy County Commissioner Marta Loachamin County Commissioner



FOUR MILE FIRE PROTECTION DISTRICT

8/6/2022

To whom it may concern,

The property at 38619 Boulder Canyon Drive as it now operates has presented little issue for the fire dept. We do not anticipate any increase in issues with the proposed new use. We do wish to remind all parties involved that any change in use or ownership triggers a need for a full interior and exterior fire dept. inspection. While we do not foresee any real code violations. We do know a lot has changed in the fire code as well as types and severity of hazards facing us all today. We encourage the new operators to contact us to set a time for this inspection.

Bret Gibson
Four Mile Fire Chief
Volunteering for 30 plus years

From: [Williams, Jen \(she/her\)](#) on behalf of [ColoradoES, FW6](#)
To: [L"Orange, Pete](#)
Subject: Fw: [EXTERNAL] Referral packet for SU-22-0008: ALPS INN Special Use Modification at 38619 Boulder Canyon Drive
Date: Friday, October 7, 2022 12:31:21 PM
Attachments: [image003.png](#)
[SU-22-0008-referral-packet-red.pdf](#)

Hello -

Thank you for contacting the U.S. Fish and Wildlife Service (Service). The Service has reviewed your project and has no concerns with this project resulting in impacts to species listed as candidate, proposed, threatened, or endangered.

We recommend that you review the Service's migratory bird guidance on [avoiding and minimizing incidental take](#) and our [nationwide standard conservation measures](#).

We appreciate your efforts to ensure the conservation of threatened and endangered species. Thank you for contacting us and please let me know if you have any further questions. I can be reached at jen_williams@fws.gov or at 303-236-4758.

Project Number: 2022-0072222

U.S. Fish and Wildlife Service
Colorado Ecological Services Field Office
134 Union Blvd.
Lakewood, CO 80228

From: Goldstein, Andrew <agoldstein@bouldercounty.org>
Sent: Friday, August 5, 2022 2:50 PM
To: Historic <historic@bouldercounty.org>; #WildfireMitigation <WildfireMitigation@bouldercounty.org>; #CodeCompliance <codecompliance@bouldercounty.org>; Floodplain Admin <floodplainadmin@bouldercounty.org>; Wilkinson, Jane <jawilkinson@bouldercounty.org>; BDRCO@xcelenergy.com <BDRCO@xcelenergy.com>; Donna.L.George@xcelenergy.com <Donna.L.George@xcelenergy.com>; RanglosC@bouldercolorado.gov <RanglosC@bouldercolorado.gov>; bonnellj@bouldercolorado.gov <bonnellj@bouldercolorado.gov>; ashleym@bouldercolorado.gov <ashleym@bouldercolorado.gov>; CollinsB@bouldercolorado.gov <CollinsB@bouldercolorado.gov>; Vanessa McCracken <bldrvalleyandlongmontcds@gmail.com>; cdphe_localreferral@state.co.us <cdphe_localreferral@state.co.us>; colleen.rosa@state.co.us <colleen.rosa@state.co.us>; hc_filesearch@state.co.us <hc_filesearch@state.co.us>; Gibson, Bret <chiefbret@gmail.com>; reginadaly01@gmail.com <reginadaly01@gmail.com>; ColoradoES, FW6 <ColoradoES@fws.gov>; Milner, Anna <amilner@bouldercounty.org>; Moline, Jeffrey <jmoline@bouldercounty.org>; Strenge, Ernst <estrenge@bouldercounty.org>; Abner, Ethan <eabner@bouldercounty.org>; Hippely, Hannah <hhippely@bouldercounty.org>; Vaughn, Andrea <avaughn@bouldercounty.org>; Cavaleri, Keli <kcavaleri@bouldercounty.org>; Flax, Ron <rflax@bouldercounty.org>; Frederick, Summer <sfrederick@bouldercounty.org>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.org>; Huebner, Michelle <mhuebner@bouldercounty.org>; Sanchez, Kimberly <ksanchez@bouldercounty.org>; Severson, Jennifer <jseverson@bouldercounty.org>;

Transportation Development Review <TransDevReview@bouldercounty.org>; West, Ron
<rowest@bouldercounty.org>

Cc: L'Orange, Pete <plorange@bouldercounty.org>

Subject: [EXTERNAL] Referral packet for SU-22-0008: ALPS INN Special Use Modification at 38619
Boulder Canyon Drive

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please find attached the referral packet for *SU-22-0008: ALPS INN Special Use Modification* at *38619 Boulder Canyon Drive*.

Please return responses and direct any questions to [Pete L'Orange](#) by *September 9, 2022*. (Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

All the best,
Andrew



**Andrew Goldstein (pronouns: he/him/his) | Administrative Technician
Planning Division | Boulder County Community Planning & Permitting**

[\(303\) 441-3930](tel:3034413930) (Main Office) | [\(720\) 564-2622](tel:7205642622) (Direct)

P.O. Box 471, Boulder, CO 80306 | Courthouse Annex Building—2045 13th St.,
Boulder, CO 80302

agoldstein@bouldercounty.org | www.boco.org/cpp

Department service hours are **8 a.m.-4:30 p.m.** Monday, Wednesday, Thursday, Friday, and **10 a.m.-4:30 p.m.** Tuesday.

The Community Planning & Permitting Department physical office in Boulder is now open Monday, Wednesday and Thursday from 9 a.m. to 2 p.m. On Tuesdays the department is open by appointment only from 12:30–4:30 p.m. Most services are available virtually in addition to in-person services. Staff is available at [303-441-3930](tel:3034413930), [online](#), or via [appointment](#).

Please note we are in response for the Marshall Fire and replies may be delayed. We appreciate your patience during this time. For Marshall Fire questions, contact MarshallRebuilding@bouldercounty.org. View our [Marshall Fire Recovery](#) webpage for current Marshall Fire information and resources. Sign up for Boulder County news at www.boco.org/e-news and for fire recovery info at www.boco.org/MarshallFireInfo.

New: Boulder County has a new website: BoulderCounty.gov! Bookmark it today. Email addresses will transition at a later date.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Referral Agencies
 FROM: Pete L'Orange, Planner II
 DATE: August 5, 2022
 RE: Docket SU-22-0008

Docket SU-22-0008: ALPS INN Special Use Modification

Request: Special Use/Site Specific Development Plan review requesting to modify a previous SU/SSDP approval (SU-90-0004) for a Lodging use to convert the existing structure to a Group Care Home.

Location: 38619 Boulder Canyon Road, parcel no. 14613400022, located approximately 0.3 miles west of the intersection of Boulder Canyon Drive and Fourmile Canyon Drive, Section 34, T1N, R71W.

Zoning: Forestry (F) Zoning District

Property Owner: John R. Vanderhart c/o Vanderhart Real Estate, LLC

Applicant: Michael Hunter c/o Sandstone Care Colorado, LLC

Agent: Harmon Zuckerman, Esq.

Special Use Review / Site Specific Development Plan is required of uses which may have greater impacts on services, neighborhoods, or environment than those allowed with only Building Permit Review. This process will review compatibility, services, environmental impacts, and proposed site plan.

This process includes public hearings before the Boulder County Planning Commission and the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of these hearings.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information. If you have any questions regarding this application, please contact me at 303-441-1418 or plorange@bouldercounty.org.

Please return responses by **September 9, 2022**.

(Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>).

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed *Matt Ashley* PRINTED Matt Ashley, Property Agent

Agency or Address City of Boulder Open Space and Mountain Parks

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

September 8, 2022

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Pete L'Orange

Re: Alps Inn Special Use Modification, Case # SU-22-0008

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the special use documentation for **Alps Inn**. Please be aware PSCo owns and operates existing overhead electric *distribution* facilities within the subject property and crossing Boulder Canyon Drive. The property owner/developer/contractor must complete the application process for any new electric service, or modification to existing facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

If additional easements need to be acquired by separate PSCo document (i.e. transformers), a Right-of-Way Agent will need to be contacted.

PSCo also has existing electric *transmission* facilities along the northwest property line. If there are any activities in the area of these facilities, property owner/developer/contractor must contact our Siting and Land Rights Department at either:

- www.xcelenergy.com/rightofway (website)
- coloradorightofway@xcelenergy.com (email)

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: Docket # SU-22-0008
Date: Monday, August 15, 2022 2:11:22 PM

Pete, please see below regarding SU-22-0008. Would you be able to assist this customer?

Best,
Ethan

-----Original Message-----

From: William Jensen <wjensen@jfrogroup.com>
Sent: Monday, August 15, 2022 1:49 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Docket # SU-22-0008

Hello,

I am a property owner less than 1 mile from this proposed development.

Can you please provide more details about what type of patients and also the general type of treatments that would be here? The online application is very vague only saying "adolescents suffering from mild to moderate mental health symptoms."

My wife has worked in facilities similar to this in the past and it makes me very hesitant to have so close to me and my family.

As is, I am strongly opposed to this proposed development. I am concerned about the general proximity of this facility to my home. I am also concerned about the impact of the proposed facility on my property value, and ability to sale my home in the future.

Can you please let me know when the public hearing will be held? It is not yet listed online.

Best,
William Jensen

From: [Glenn Stevens](#)
To: [LU Land Use Planner](#)
Cc: [Rusty Mellinger](#); [Chris Jones](#); [William Jensen](#)
Subject: [EXTERNAL] Dkt: SU-22-0008; ALPS INN Special Use Modification
Date: Thursday, September 8, 2022 10:11:40 PM

Dear Sir/Madam:

I am one of four (4) homeowners who reside on Boulder Canyon Drive directly above the applicant. I am filing this comment on behalf of all such homeowners.

Before any modification is allowed, in whole or in part, to allow a Group Care Home ("Home") that will allegedly serve adolescents suffering from mild to moderate mental health symptoms, as further set forth in the June 28, 2022 letter from counsel for Sandstone Care Colorado, LLC ("Sandstone"), we respectfully submit that Sandstone must provide clear and comprehensive explanations to the below items, as none of such items are addressed at all in its submission, which we find gravely ignores the potential dangerous and detrimental consequences on my fellow homeowners and their families, as well as their property values, and such similar potential consequences on near surrounding neighbors, that could result from such proposed use.

Our questions are:

1. (a) Who is your target treatment population? What diagnoses will they have?
(b) Will the Home treat adolescents who are suffering from:
 - (i) substance abuse;
 - (ii) aggressive behavior;
 - (iii) psychosis?
2. Are the adolescents involved with the legal system? If so, why?
3. Are the adolescents attending school or will they be homeschooled?
4. Will there be drugs on site for treatment purposes? If so, what drugs?
5. What security systems will be in place at the Home and what is the purpose of such systems?
5. Are such adolescents involved with gangs?
6. What is the age range of such adolescents?
7. What is Sandstone's expertise/qualifications for serving such adolescents? Have they had any legal or other complaints against Sandstone or adolescents or other patients as a result of the operation of such facilities?
8. What is the expected typical length of stay of such adolescents at the Home?
9. What are the required qualifications for the staff of the Home?
10. What types of insurance will the Home and its owners put in place against damage to persons or property of its neighbors?
11. What procedures will be put in place to guarantee the safety of neighborhood persons and property from harm or damage by such adolescents or guests or friends thereof?

Counsel for Sandstone says that this proposed modification "is more of a change of definition than in fact." While it may be true that the Home will offer transient residences for the adolescents in treatment there, as well as provide the "accoutrements of living," in such counsels works, we think this simple statement is far from the mark in justifying the proposed modification, as it offers no insight or comfort to stakeholders that this is a in fact a good idea based on the answers to such important questions as listed above. There is obviously a great

difference between a hotel and a mental health treatment facility albeit for short term stays, allegedly, for adolescents.

Accordingly, we respectfully ask that any decision about such proposed modification be stayed until clear and comprehensive answers to the above fair questions are provided in writing to Boulder County and stakeholders such as my colleagues, and such answers are carefully evaluated. Simply put, this is not a simple definition change; it is much, much more, given the potential detrimental consequences which have not yet been addressed.

Thank you for your consideration.

Glenn H. Stevens,
Property owner at 38411 Boulder Canyon Dr.
720.684.8465



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM

August 28, 1990 9:00 AM

MEMORANDUM

TO: Board of County Commissioners
FROM: Boulder County Land Use Staff *RK*
DATE: August 28, 1990

STAFF RECOMMENDATION

Docket SU-90-4: BOULDER CANYON INN

Request: Special Use/Site Specific Development Plan, for a bed and breakfast resort lodge with sewage treatment facility, in the old Moose Lodge.
Location: At 38619 Boulder Canyon Dr., 2 miles up Boulder Canyon, in Section 34, T1N, R71W.
Zoning: Forestry
Applicants: John and Jeannine Vanderhart
Planning Commission: Conditional Approval July 18, 1990

DISCUSSION

This is a request to change the use of the Moose Lodge, located approximately two miles west of Boulder up Boulder Canyon, into a 12-room bed and breakfast resort lodge, called the Boulder Canyon Inn. In addition, the applicants are requesting Special Use approval for a restaurant open to the general public (for up to 50 persons), and for large special events, such as weddings, (for up to 200 people).

The Moose Lodge is recognized by Boulder County as a non-conforming use and has been in operation as the Moose Lodge for the last 30 years. Prior to that time, the structure was known as the Alps Lodge, and prior to that the Hadley Cottages (prior to 1907), as documented by the Boulder Historical Society.

The parcel is approximately 24.4 acres with 7 acres on the southeast side of Boulder Canyon Dr., and 17.4 acres on the northwest side where the lodge is located. Middle Boulder Creek runs along the southeast side of Boulder Canyon Dr. through the 7-acre parcel.

The proposed bed and breakfast facility will have 12 guest rooms for a maximum occupancy of 24 people in addition to an owner-occupied or owner/employee-occupied residence. Breakfast and lunch will be provided to the guests. No evening meals will be served. The proposed private parties, limited to a maximum of 200 people, will also be required to rent at least one of the guest rooms for lodging. The proposed restaurant, open to the general public, would be limited to a maximum of 50 people, would only serve breakfast and lunch, and would serve primarily bicyclists and hikers using the Boulder Canyon Trail.

The lodge is served by a 3/4" water tap from the City of Boulder's 20" water main. This water tap was granted to the Moose Lodge in the 1960s in exchange for permitting the transmission line to cross the Moose Lodge property. Because of existing site restrictions, an engineered sanitation system is required and might exceed 2000 gallons of sewage per day. Therefore, the applicant is also requesting Special Use approval for a sewage treatment facility. The new septic system and kitchen will be required to meet all requirements of the Boulder County Health Dept. If the septic system exceeds 2000 gallons per day, site approval by the Colorado Health Dept. may also be required.

In accordance with the State Highway Department's request, the existing lower access will be converted to a right-in-only access with the driveway being one way in the direction up the canyon. The relocated upper access will be the exit, and will require an access permit from the State Highway Dept.

Phase II of Boulder County's proposed 8 ft. wide Boulder Canyon pedestrian/bike trail will follow the highway primarily in the State Highway Department's right-of-way on the north side of Boulder Canyon Dr. through this property.

While a bed and breakfast use is not specifically defined in the Boulder County Zoning Resolution, the zoning administrator has consistently interpreted that use to be a resort lodge which is allowed by Special Review in the Forestry and Agricultural Zoning Districts (Section 20-102(1)(j)). Bed and breakfast uses have been added to the list of possible regulation amendments to be considered in the near future. At that time, customary accessory uses will also be determined, such as large private parties. However, until that research is completed, staff does not consider these uses as accessory to a bed and breakfast facility. In addition, staff does not support a restaurant open to the general public, based on Section 12-101(1)(j) which allows eating or drinking places as a use-by-right in the Business Zoning District. Staff has determined that this proposed use would require a rezoning to Business, Commercial or General Industrial.

REFERRALS

The City of Boulder expressed concern as to whether the existing water tap is adequate for the proposed use. The applicants' engineer, Jim Push, has indicated that the existing tap is adequate for the projected use.

The Four Mile Canyon Fire Protection District requested two conditions be placed on the Special Use, that the exiting and interior access, including corridors and stairs, meet the current Uniform Building Code requirements, and that a NFPA 13D sprinkler system be installed throughout the building.

The County Public Works Department has indicated support for the bed and breakfast use, but because of lack of available parking area outside of the road right-of-way, did not support the other proposed uses.

Sara Lee, an adjacent property owner, at the corner of Boulder Canyon Dr. and Four Mile Canyon Dr., responded in opposition to the proposal with a number of concerns, including fire danger, traffic impacts, trail location. Staff finds that the applicants adequately addressed those concerns in the July 11, 1990, letter.

CRITERIA

With regard to the standards for approval as specified in Section 20-301, staff finds the following:

- 1) The existing structure does not meet current setback requirements, but is grandfathered in as a non-conforming structure. However, any additions that would be located in the setbacks would require a Board of Adjustment variance. The proposed garage noted on the Site Plan would need such a variance.
- 2) The proposal will remain in harmony and compatibility with the surrounding area, due to the historical use of the lodge.
- 3) The proposal will be in accordance with the Boulder County Comprehensive Plan.
- 4) The proposal will not increase the intensity of use beyond the capacity of the land or deplete natural resources. Staff finds that a 12-room bed and breakfast resort lodge is significantly less of an impact than previous uses at this site.
- 5) It will have no impact on capital improvement programs.
- 6) No community facilities or services are required that are not available.
- 7) Based on the State Highway Dept. response to this proposal, it will not create significant traffic hazards.
- 8) It will not cause significant air, water or noise pollution.
- 9) Existing vegetation screens portions of the lodge from the highway, and the applicants are proposing to do extensive landscaping behind the lodge for a private outdoor area for guests.
- 10) The proposal will not otherwise be detrimental to the health, safety, or welfare of inhabitants of Boulder County.

In addition, staff finds that the Site Specific Development Plan criteria (Section 9-301) will be met with the revised Site Plan. The Development Agreement will be reviewed and approved by the Land Use and County Attorney's staffs prior to Board of County Commissioners signature and recordation.

The Planning Commission reviewed and conditionally approved this request on July 18, 1990. A copy of the minutes of that meeting are included in this packet. Fire protection was the primary concern, and the Planning Commission added the request of the Four Mile Canyon Fire Protection District to the conditions of approval.

RECOMMENDATION

The Land Use Staff and the Planning Commission recommend that the Board of County Commissioners approve Docket SU-90-4: BOULDER CANYON INN Special Use for a resort lodge and sewage treatment facility, and Site Specific Development Plan, with the following conditions that:

- 1) The Special Use be limited to the 12-room bed and breakfast facility with commitments of record.
- 2) The sewage disposal system and food service facility meet Boulder County Health Dept. requirements.
- 3) An access permit be obtained from the State Highway Dept.
- 4) The Site Plan and Development Agreement be reviewed and approved by the Land Use, Public Works and County Attorney's staffs prior to recordation.
- 5) Exiting and interior access, including corridors and stairs, meet current Uniform Building Code standards.
- 6) A sprinkler system be installed throughout the building that meets NFPA 13D as a minimum standard.

RESOLUTION 90-227

A RESOLUTION CONDITIONALLY APPROVING BOULDER COUNTY LAND USE DOCKET #SU-90-4 ("BOULDER CANYON INN"): A SPECIAL USE AND SITE SPECIFIC DEVELOPMENT PLAN REQUEST FOR A BED AND BREAKFAST RESORT LODGE WITH SEWAGE TREATMENT FACILITY, IN THE OLD MOOSE LODGE LOCATED AT 38619 BOULDER CANYON DRIVE, TWO MILES UP BOULDER CANYON, IN SECTION 34, T1N, R71W.

WHEREAS, John and Jeannine Vanderhart ("Applicants") have requested approval for a special use permit and site specific development plan for a 12-room bed and breakfast resort lodge, including a restaurant open to the general public for up to 50 persons, and for large special events for up to 200 people, with sewage treatment facility, on the property described in the caption to this Resolution, above ("the Subject Property"), which is located in the Forestry Zoning District in unincorporated Boulder County; and

WHEREAS, the above-described request was processed and reviewed as Boulder County Land Use Docket #SU-90-4 ("the Docket"), all as further described in the Boulder County Land Use Department Planning Staff's Memorandum and written recommendation to the Boulder County Board of County Commissioners ("the Board") dated August 28, 1990, with its attachments ("the Staff Recommendation"); and

WHEREAS, on July 18, 1990, the Boulder County Planning Commission ("the Planning Commission") held a duly-noticed public hearing on the Docket, and recommended conditional approval of the Docket to the Board; and

WHEREAS, on August 28, 1990, the Board held a duly-noticed public hearing on the Docket ("the Public Hearing"), at which time the Board considered the Staff Recommendation and the recommendation of the Planning Commission, and also considered documents and testimony presented by the County Land Use Department Planning Staff; John Vanderhart, Applicant; Ricky Weiser, a member of the public; Curt Parker, County Public Works Department; Barbara Andrews, County Attorney's Office; and several Boulder Canyon residents and interested members of the public; and

WHEREAS, based on the Public Hearing, the Board finds as follows:

1. The Docket meets the criteria for special use approval set forth in Article 20-301 of the Boulder County Zoning Resolution, subject to the following conditions:
 - a. The Special Use be limited to the 12-room bed and breakfast facility with commitments of record.

- b. The sewage disposal system and food service facility meet Boulder County Health Department requirements.
 - c. An access permit be obtained from the State Highway Department.
 - d. The Site Plan and Development Agreement be reviewed and approved by the Land Use, Public Works and County Attorney's staffs prior to recordation.
 - e. Exiting and interior access, including corridors and stairs, meet current Uniform Building Code standards.
 - f. A sprinkler system be installed throughout the building that meets NFPA 13D as a minimum standard.
 - g. If and when a final corridor is chosen and constructed for the pedestrian/bike trail proposed to be located on the State highway right-of-way adjacent to the subject property, any accessory parking to the bed and breakfast facility which may occur on the State highway right-of-way shall be located so as not to conflict with the corridor or its use as bicycle/pedestrian trail.
2. The Docket meets the criteria for approval of a site specific development plan set forth in Article 19-301 of the Boulder County Zoning Resolution, subject to the conditions stated above.

NOW, THEREFORE, BE IT RESOLVED that the Docket is hereby approved on the basis and terms set forth in this Resolution, above.

A motion to approve the Docket, as stated above, was made by Commissioner Page, seconded by Commissioner Jourgensen, and passed by a 3-0 vote.

ADOPTED this 8th day of Nov., 1990, nunc pro tunc the 28th day of August, 1990.

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:

Ronald K Stewart
Ronald K. Stewart, Chair

Homer Page
Homer Page, Vice Chair

Linda S. Jourgensen
Linda S. Jourgensen

ATTEST:

Carol S. Gardiner
Clerk to the Board

Development Agreement Relating to Developer's Obligations in:**The Boulder Canyon Inn****John R. Vanderhart and Jeannine T. Vanderhart, Developers**

THIS AGREEMENT is made on this 24th day of June, 1991, by and between the Board of County Commissioners of Boulder County, Colorado hereinafter referred to as the "County", and John R. Vanderhart and Jeannine T. Vanderhart, hereinafter referred to as "Developer".

WHEREAS, Developer has submitted to County for Special Use approval for a Resort Lodge/Bed and Breakfast with sewage treatment facility, hereinafter referred to as "development"; and

WHEREAS, County has fully considered the proposed development and the requirements to be imposed on the land and properties by reason of the proposed development; and

WHEREAS, County is willing to approve the development upon the agreement of the Developer to the matters herein described, and

WHEREAS, County and Developer mutually acknowledge and agree that the matters hereinafter set forth are reasonable conditions and requirements to be imposed by the County in connection with its approval of the development and that such matters are necessary to protect, promote and enhance the general welfare; and

WHEREAS, County has determined that the agreement is consistent with the Boulder County Comprehensive Plan and applicable County regulations.

NOW, THEREFORE in consideration of the premises, the mutual covenants herein contained and the approval of the development it is agreed as follows:

1. **Types of Development - Resort Lodge/Bed & Breakfast with sewage treatment facility** - Development shall be consistent with the commitments of record and conditions of approval established in Special Use approval #SU-90-4 Boulder Canyon Inn and with the attached site plan and supporting documents.

2. **Water Supply** - A water main from the City of Boulder is in place on site. Developer shall utilize an existing 3/4 inch water tap currently serving the development.

3. **Sewage** - A Sewage treatment facility is approved if effluent volumes exceed 2000 gallons per day. Septic/Sewage Treatment Permits shall be required for individual systems prior to obtaining a Building Permit. The Septic/Sewage Treatment Permit shall be obtained from the Boulder County Health Department.

4. **Parking** - Parking will be provided in three (3) lots A, B & C.

1) Lot A, is an existing gravel parking lot to the NW and rear of the existing structure to be utilized for deliveries as well as staff and handicap parking.

2) Lot B, is an existing gravel lot, that will be utilized for on site guest parking with diagonal parking spaces and lies immediately in front and SW of the main structure.

3) Lot C will be designated limited use parking and lies on the State Highway Right-of-Way. Parking in this area has been expressly approved by the State Highway Department. This lot encompass an area approx. 55' wide x 300'+ in length with mixed surfaces of both gravel and grass. Although use of this area for parking is permitted, if and when the County proposes to construct a path, or the State proposes highway or drainage improvements, any use of the State Highway right-of-way for parking purposes as approved on the site plan will not conflict with that path.

5. **Site Access** - A site access permit will be obtained from the State Highway Department.

20

6. **Building** - The existing structure will be remodeled to include twelve (12) guest rooms and an owner or owner/employee-occupied residence. Remodeling and new construction will comply with current building codes, exiting and interior access, including corridors and stairs, will be designed to meet current Uniform Building Code standards.

7. **Historical Considerations** - The proposed building will be designed to preserve aspects of the existing structure that are of local, State and National historical significance.

8. **Fire Protection** - A sprinkler system will be installed throughout the building that meets NFPA 13D as a minimum standard.

9. Boulder County may conduct a periodic review of the status of the development which is the subject of this agreement, said review to occur at 12 month intervals.

10. In consideration of the above conditions and covenants, the County agrees to grant a vested property right for the proposed development to proceed pursuant to the terms of the agreement. The vesting granted herein shall have a term of three (3) years subject to the provisions for modification and termination contained herein. The developer may request an extension of said vested right.

11. The vested property right granted herein shall be terminated if the County determines that the developer is not in good faith compliance with the terms of this agreement.

12. The vested property right granted herein shall be terminated if Boulder County determines that the developer is not in good faith compliance with the terms of the agreement.

13. Subsequent regulations enacted by Boulder County shall be applicable to the proposed development if necessary to protect the health and safety of the inhabitants of Boulder County or if general in nature and applicable to all properties subject to County land use regulations.

14. **Road Impact Fee Fund** - The developer shall participate in the appropriate impact fee fund if and when Boulder County adopts a County-wide road impact fee system prior to the issuance of building permits pursuant to this agreement.

15. **Provision for Modification** - This agreement may be canceled or amended on the mutual consent of the parties or to bring the proposed development into conformance with federal or state law.

16. Developers and County's compliance with the terms of this agreement may be enforced by any legal means, including, but not limited to termination of developers vested right granted herein revocation of the developers approval, denial of building permits or action for breach of contract.

17. The terms and conditions of this agreement shall be covenants which run with the lands and inure to the benefit of and are binding upon the heirs, successors in interests and assigns of the parties hereto.

18. This agreement, upon execution, shall be recorded in the records of the Boulder County Clerk and Recorder.

19. **Enforcement** - Boulder County alone may waive or modify requirements herein. It is agreed that Boulder County or any purchaser of land subject to the restrictions or requirements of the Development Agreement shall have authority to bring an action in the Boulder District Court to compel the enforcement of this agreement and the restrictions and requirements herein provided for. If the property becomes included within the boundaries of any city or town, Boulder County's right to enforce this agreement shall automatically pass to the governing body of the city or town. Boulder County shall have the right to waive its rights to enforce this agreement or to modify the same (with the consent of the developer) without obtaining the consent of any other entity or person; provided that if the property becomes included within the boundaries of any city or town, such rights of Boulder County shall automatically pass to the governing body of the city or town.

20. **Liability** - The individuals signing as Developers assume personal responsibility for the execution of all requirements contained in this Development Agreement.

21. **Recordation** - The Developer shall file for recording with the Boulder County Clerk and Recorder this Development Agreement, reduced site plan and /or any other documents required as part of the approval by the Board of County Commissioners of the above referenced development.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 24th day of June, 1991.

OWNER - DEVELOPER

[Signature]
John R. Vanderhart

[Signature]
Jeannine T. Vanderhart

STATE OF COLORADO
COUNTY OF BOULDER

The foregoing instrument was acknowledged before me this 24th day of June, 1991, by

John R. Vanderhart and Jeannine T. Vanderhart

Witness my hand and official seal.

My commission expires 7-21-93

[Signature]

NOTARY PUBLIC



BOULDER COUNTY:

CHAIR, BOULDER COUNTY BOARD OF
COUNTY COMMISSIONERS

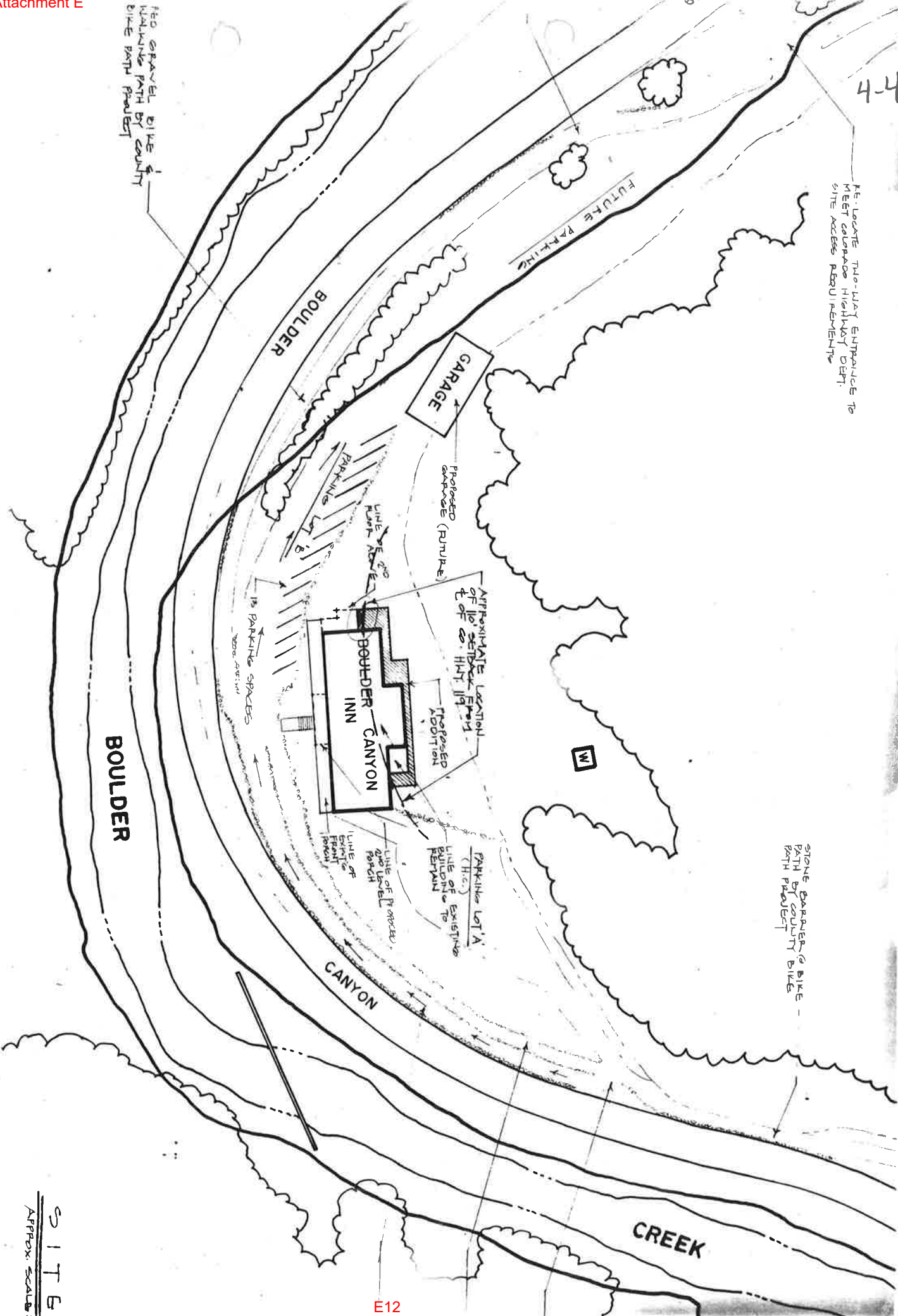
Attest:

CLERK OF THE BOARD

4-4

1. Locate Two-Way Entrance to
West Colorado Highway Dept.
Site Access Requirements

STONE BARBERS & BIKES -
PATH BY COUNTY BIKES
PATH PROJECT



150 GRAVEL BIKE &
WALKING PATH BY COUNTY
BIKE PATH PROJECT

SITG
APPROX SCALE: